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M. TULLII CICERONIS

DE ORATORE

AD QUINTUM FRATREM

LIBRI TRES

WITH INTRODUCTION AND NOTES

BY

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M. TULLII CICERONIS

DE ORATORE

AD QUINTUM FRATREM LIBRI TRES.

LIBER SECUNDUS.

1 MAGNA nobis pueris, Quinte frater, si memoria tenes, opinio
1 fuit L. Crassum non plus attigisse doctrinae, quam quantum prima illa puerili institutione potuisset; M. autem Antonium omnino omnis eruditionis expertem atque ignarum fuisse; erantque multi qui, quamquam non ita se rem habere arbitrarentur, tamen, quo facilius nos incensos studio discendi a doctrina

§§ 1-11. *Cicero explains that Crassus and Antonius were by no means so deficient in learning as was commonly supposed; and argues that eloquence, such as they possessed, could never have been acquired without a wide range of learning. He expresses his intention of giving in their words a treatise on oratory based on greater practical experience than that possessed by previous writers.*

1. **nobis pueris,** abl. not dat.

2. **attigisse,** 'had dabbled in:' cp. pro Arch. 8. 17 'quod si ipsi haec neque attingere neque sensu nostro gustare possemus:' so above, i. 18. 82; 19. 87.

3. **illa,** 'in those days,' before Greek literature was included in the ordinary curriculum for boys. The strong language of Cicero (pro Arch. 3. 5) as to the extended study of Greek refers to a somewhat later date than the boyhood of Crassus and Antonius. Cp. Gallus ii[3]. 75-6: the English abridgment follows the erroneous view of earlier editions.

5. **arbitrarentur:** the conj. does not depend upon **quamquam** directly, but the verb is attracted into the mood of **praedicarent.** Cp. phrases like 'quod diceret,' Roby, § 1746. Madvig on de Fin. iii. 70 writes 'non dubito quin Cicero nunquam in recta oratione particulae *quamquam* in protasi coniunctivum subiecerit, nisi ubi aliqua lateret potentialis, condicionalisve aut similis significatio.' It is of course not unusual to find *quamquam* with conj. in silver-age writers. Cp. Roby, § 1697. Dräger, Hist. Synt. ii. 737-9. So Kühner, ii. p. 957. For an instance where the conjunctive, if defensible at all, must be defended as here, cp. iii. 7. 27 with the note. Of the five passages quoted by Zumpt, § 574, only one is allowed to stand by good editors: Tusc. v. 30. 85 'quamquam enim sint in quibusdam malis' = 'although they *should be* in some troubles.' In de Off. i. 2. 6, Baiter and Holden read 'quamquam sunt:' in pro Mur. 9. 20, Halm and Kayser have 'quamquam loquor' [but cp. Heitland's note]: for de Fin. iii. 21. 70 see Madvig ad loc. For his fifth example Zumpt gives a false reference. He is in error in saying that it is found only in these passages. We may add Tusc. i. 45. 109; de Leg. iii. 8. 18; Brut. 2. 8; Phil. vi. 1. 3 (with King's note). It is better to regard this instance as one of simple attraction than as a 'conj. coniecturalis' with Adler—'although they might not think.' Cp. Madvig, § 361, obs. 3.

6. **incensos studio:** cp. de Rep. i. 22. 36, where Scipio says 'peto a vobis ut sic me audiatis neque ut omnino expertem Graecarum rerum, neque ut eas nostris anteponentem, sed ut unum e togatis; patris diligentia non illiberaliter institu-

deterrerent, libenter id, quod dixi, de illis oratoribus praedicarent, ut, si homines non eruditi summam essent prudentiam atque incredibilem eloquentiam consecuti, inanis omnis noster esse labor et stultum in nobis erudiendis patris nostri, optimi ac prudentissimi viri, studium videretur: quos tum, ut pueri, refutare 2
domesticis testibus patre et C. Aculeone propinquo nostro et L. Cicerone patruo solebamus, quod de Crasso pater et Aculeo, quocum erat nostra matertera, quem Crassus dilexit ex omnibus plurimum, et patruus, qui cum Antonio in Ciliciam profectus una decesserat, multa nobis de eius studio doctrinaque saepe narravit; cumque nos cum consobrinis nostris, Aculeonis filiis, et ea disceremus, quae Crasso placerent, et ab eis doctoribus,

tum, *studioque discendi a pueritia incensum,* usu tamen et domesticis praeceptis multo magis eruditum quam litteris.' This confirms *discendi* of the MSS. against the *dicendi* of the older editors, including Ernesti and Schütz.

doctrina, 'systematic instruction,' 'pursuit of learning:' as below, § 11: cp. i. 48. 208. It is more commonly used for the learning resulting from instruction: as in §§ 2, 15, etc.

2. **prudentiam** = **φρόνησιν,** 'practical wisdom:' de Off. i. 43. 153, and often in this book: rarely as in Tusc. i. 4. 7 of philosophy. It is often used of legal skill: e. g. de Sen. 9. 27.

4. **patris nostri.** Cicero refers to his father also in § 265, and in de Leg. iii. 1, 3 'qui cum esset infirma valetudine, hic fere aetatem egit in litteris.' His tone is always one of great respect and affection, to which a much-misinterpreted phrase in one of his letters is not really an exception. Cp. Prof. Tyrrell's notes on ad Att. i 6. 2 and i. 19. 10 (Correspondence of Cicero, vol. i. pp. xlv. 8. 106).

5. **ut pueri,** 'being but boys,' who can only fall back on the authority of their friends at home. Cp. Hor. Sat. i. 6. 79 with Heindorf's note, and Kühner on Tusc. i. 8. 15 'Epicharmi, acuti nec insulsi hominis, ut Siculi, sententiam sequi,' who points out that the restrictive force of *ut* as in the last instance 'for a Sicilian' is quite different from the force which it has in expressions like that in the text, and in Tusc. i. 43. 104 'Diogenes . . . ut Cynicus, asperior.' Ellendt here quotes numerous instances of each force. For **refutare,** a frequentative from rt. *fu* = χυ: cp. Corssen, i. p. 159, and note on § 203.

6. **domesticis testibus** = dictis testium domesticorum: cp. pro Mil. 18. 47 'iacent suis testibus.' For other instances of the abl. instrum. being used of persons cp. Roby, § 1220; Madvig, § 254, obs. 3. In such cases the noun always has some attribute.

8. For the phrase **quocum erat** of marriage cp. pro Quinct. 24. 77 'Q. Roscio, cuius soror est cum P. Quinctio.' Lucius Cicero is only mentioned here: for his son Lucius, 'frater noster cognatione patruelis, amore germanus,' as Cicero calls him, cp. de Fin. v. i i.; ad Att. i. 5. 1.

matertera, Helvia, the sister of Cicero's mother.

9. **in Ciliciam:** cp. i. 18. 82: Introd. p. 13.

10. **decesserat,** the regular word for leaving a province for Rome, e. g. pro Planc. 26. 65. Cp. Drakenborch on Liv. xxviii. 28. 7; Kritz on Sall. Jug. 20. 1; Kühner on Tusc. ii. 25. 61; or Ellendt on Brut. i. 1.

11. **consobrinis,** here used in its strict sense for 'mother's sisters' sons:' the word has however sometimes the more extended meaning of our own 'cousin,' e g. de Off. i 17, 54 with Holden's note. Although the derivation from *soror* is unquestionable, it is not clear how we ought to explain the *b*, for which cp. Schleicher, Comp.[3] p. 256 (§ 157 c.); Corssen, Nachtr. 191 f.: Brugman in Curtius' Studien, ix. 393. For Aculeo and his son Gaius Visellius Varro, see note on i. 43. 191. It is possible that Ellendt and Sorof are right in holding these *filii* to have been stepsons, but as there is no authority for the *familia* to which Aculeo belonged, and no evidence of an earlier marriage of Helvia, the question cannot be decided.

12. **Crasso placerent,** 'found favour

quibus ille uteretur, erudiremur, etiam illud saepe intelleximus,
cum essemus eius domi, quod vel pueri sentire poteramus, illum
et Graece sic loqui, nullam ut nosse aliam linguam videretur, et
doctoribus nostris ea ponere in percontando eaque ipsum omni
in sermone tractare, ut nihil esse ei novum, nihil inauditum
3 videretur. De Antonio vero, quamquam saepe ex humanissimo
homine patruo nostro acceperamus, quem ad modum ille vel
Athenis vel Rhodi se doctissimorum hominum sermonibus de-
disset, tamen ipse adulescentulus, quantum illius ineuntis aetatis
meae patiebatur pudor, multa ex eo saepe quaesivi. Non erit
profecto tibi, quod scribo, hoc novum; nam iam tum ex me
audiebas mihi illum ex multis variisque sermonibus nullius rei,
quae quidem esset in eis artibus, de quibus aliquid existimare
4 possem, rudem aut ignarum esse visum. Sed fuit hoc in utroque

2. *cum essemus eius modi* codd. quod frustra defendere conatus est Bak.: inclusit K. post Ell. *domi* P.S. post Gulielmum 12. *rei* om. B², inclusit K.

with Crassus,' not as Pid. understanding 'ut disceremus.'

1. **uteretur,** 'attended,' e. g. Staseas: see i. 22. 104.

2. **cum essemus,** not, as Sorof, 'whenever we were:' there are very few, if any, passages in Cicero, where *cum* is so used with the conj. (cp. Roby, § 1716, 1717, and note on i. 54. 232), but simply 'being, as we were.'

eius domi: the reading of the MSS. *eius modi* cannot be defended: in all the passages which Bake adduces, *ut* follows. But the correction *domi* is an easy one [so Hermann corrects κινήσω for νικήσω in Iph. Aul. 1249: cp. *colorum* for *locorum* in § 54]: *in domo eius* is more common, but cp. pro Cluent. 60. 165 'huius domi est mortuus:' Phil. ii. 19. 48 'cuius domi.'

vel pueri: Cicero could not have been more than fourteen or fifteen years of age: Quintus was three or four years younger.

3. **nullam**: *ut* is usually put by Cicero after negatives and *vix*, and generally after any word which is to be brought into prominence: cp. Lael. 23. 87 'congressus ut hominum fugiat;' 'ut nihil' (l. 5) is an instance of the less usual order. Madvig, § 465 b. obs.

4. **ponere** = τιθέναι, 'to suggest subjects (θέσεις):' cp. i. 22. 102; 33. 149.

7. **vel . . vel,** 'alike . . and:' Roby, § 2220.

8. **doctissimorum hominum**: at Athens Menedemus, Charmadas, and Mnesarchus, at Rhodes Apollonius and Molon. Cp i. 18. 82; 19. 85; Introd. p. 45.

9 **adulescentulus**: Cicero was in his twentieth year when Antonius was murdered. With regard to the form *adul-* Ell. says '[haec] scriptura semper in nonnullis, raro in optimis libris invenitur.' But this is correct only for the inferior MSS. of this work. The evidence of the best MSS of Plautus and Terence bears out the rule of Caper (de Orthogr., p. 2243, 44 P.) 'adulescens nomen est: adolescens participium est.' For Plautus, cp. Ritschl, Proll. p. xcv '*adulescens*, cuius vicariam *adolescens* formam vix unquam boni libri sine discrepantia agnoscunt.' Cp. i. 2. 4.

ineuntis aetatis, 'youth.' Halm on pro Leg. Man. i. 1 points out that *ab ineunte aetate* in Cicero always denotes 'from the beginning of my life as a citizen.' So on de Off. i. 34. 122, Holden notes 'inire aetatem dicitur ab iis annis, quibus pueritia finitur:' cp. ib. ii. 13. 44, and above, i. 21. 97. Cp. Liv. xlii. 34 'cum primum in aetatem veni, pater mihi uxorem dedit.'

13. **in eis artibus,** i. e. grammar and rhetoric. Ell. with most MSS. reads *his*, but the correction of Henrichsen is adopted by all other editors. The form *iis* given by Pid. and Sorof is not so good for Cicero: cp. Ritschl, Proll. p. xcviii, and Kühner, i. p. 388. See however Neue Formenl. ii.² 196.

14. **fuit hoc . . . ut**: cp. Madvig, § 374.

eorum, ut Crassus non tam existimari vellet non didicisse, quam
illa despicere et nostrorum hominum in omni genere prudentiam
Graecis anteferre; Antonius autem probabiliorem hoc populo
orationem fore censebat suam, si omnino didicisse numquam
putaretur; atque ita se uterque graviorem fore, si alter con-
temnere, alter ne nosse quidem Graecos videretur; quorum 5
consilium quale fuerit, nihil sane ad hoc tempus; illud autem
est huius institutae scriptionis ac temporis, neminem eloquentia
non modo sine dicendi doctrina, sed ne sine omni quidem sapientia
florere umquam et praestare potuisse. Etenim ceterae fere artes **2**
se ipsae per se tuentur singulae; bene dicere autem, quod est
scienter et perite et ornate dicere, non habet definitam aliquam
regionem, cuius terminis saepta teneatur: omnia, quaecumque in
hominum disceptationem cadere possunt, bene sunt ei dicenda,

2. **in omni genere,** 'in every department.' Nägelsb. Stil. p. 184. For the defining genitive (here *studiorum* or *rerum*) omitted after 'genus,' cp. Reid on Acad. i. § 3.

3. **Graecis** = Graecorum prudentiae: cp. i. 4. 15 (note).

probabiliorem: i. 28. 129 (note).

hoc populo, 'with a nation like ours:' cp. iii. 1. 2 'illo senatu:' de Leg. iii. 16. 37 'non quid hoc populo obtineri possit.' Roby, § 1242. Mr. Reid however suggests that 'populo' is more probably dative, and 'hoc' the ablative, anticipatory of the clause 'si . . . putaretur.'

4. **censebat**: for the slight anacoluthon involved in the change from the dependent to the independent structure, cp. Tusc. i. 1. 1 'non quia philosophia Graecis et litteris et doctoribus percipi non posset, sed meum semper iudicium fuit,' etc. Cp. Madvig, Excursus I on De Finibus. Mr. Reid on pro Arch. i. 1 notes 'Roman juries, like some English solicitors, looked on the literary barrister as unpractical: hence the faltering way in which Cicero owns to a knowledge of Greek literature in passages like pro Mur. 63.' This is another instance of the way in which Cicero ascribes his own sentiments and practice to Crassus. Cp. note on i. 42. 190.

7. **quale,** i. e. how just or wise.

sane, 'certainly,' here simply intensive of *nihil*, as in Sall. Cat. 16. 5 'Senatus nihil sane intentus:' ad Q. Fratr. i. 2. 37 'nihil sane esset, quod nos poeniteret.' Its force is either (1) 'as I admit,' or (2) 'as every one admits.'

ad hoc tempus, sc. pertinet, as in iii. 18. 66: cp. in Pis. 28. 68 'recte an secus nihil ad nos: aut si ad nos, nihil ad hoc tempus.'

illud, of what follows, 'this.' Madvig, § 485 b.

9. **non modo,** 'I will not say.' Madv. § 461 b.

10. **praestare,** 'excel,' rarely used thus absolutely; but cp. iii. 33. 135; Brut. 64. 230; de Fin. v. 14. 40: Cicero generally adds 'ceteris,' or some definite object in the dative (e.g. i. 44. 197): the construction with the acc. is found in Varro and often in Livy, but not in Cicero or Caesar. Roby, § 1121. Of course Cicero often has the acc. where the verb has the sense 'guarantee,' 'be responsible for' (below, § 124), 'discharge' (§ 38), 'prove' (iii. 33, 134), etc.

11. **se ipsae**: Madvig, § 487 b: Mayor on Phil. ii. 118.

bene dicere: here only the three most important parts of oratory (inventio, dispositio, elocutio) are included. The definition is more complete in i. 11. 48; 15. 64. Cp. Introd. p. 53. Translate 'with knowledge (of the subject-matter), skill (in arrangement), and elegance (of style).'

13. **saepta** not *saeptum*, as though *bene dicendi ars* had preceded. Cp. pro Mur. 13. 29 'deinde vestra responsa atque decreta et evertuntur saepe dicendo et sine defensione oratoris firma esse non possunt. In qua (sc. arte dicendi) si satis profecissem, parcius de eius laude dicerem.' [Zumpt alters to *quo*]. For the metaphor, cp. i. 61. 266: for the form *saepire*, i. 31. 142 (note).

14. **cadere**: § 113 'quae in disceptationem et controversiam cadere possint.'

qui hoc se posse profitetur, aut eloquentiae nomen relinquendum
6 est. Qua re equidem et in nostra civitate et in ipsa Graecia, quae
semper haec summa duxit, multos [et ingeniis et] magna laude
dicendi sine summa rerum omnium scientia fuisse fateor; talem
vero exsistere eloquentiam, qualis fuit in Crasso et Antonio, non
cognitis rebus omnibus, quae ad tantam prudentiam pertinerent,
tantamque dicendi copiam, quanta in illis fuit, non potuisse con-
7 firmo. Quo etiam feci libentius, ut eum sermonem, quem illi
quondam inter se de his rebus habuissent, mandarem litteris,
vel ut illa opinio, quae semper fuisset, tolleretur, alterum non
doctissimum, alterum plane indoctum fuisse; vel ut ea, quae
existimarem a summis oratoribus de eloquentia divinitus esse
dicta, custodirem litteris, si ullo modo adsequi complectique
potuissem; vel mehercule etiam ut laudem eorum iam prope

3. [*et ingeniis et*] suppositicia esse viderunt PK Ad. *et ingeniis magnos et laude* e conj. Ell.: alii alia temptaverunt. *et ingeniis* insignes *et magna laude* S.

1. **aut**, 'or else:' Madvig, § 436.

eloquentiae nomen: cp. i. 26. 120 'impudentiae nomen effugere debemus.'

2. **equidem.** Cicero seems to have thought that this word was connected with *ego*, and never uses it except with the first person singular: cp. Madv. Opusc. i. 497: Ribbeck, Lat. Part. pp. 37 ff. But the word is compounded of the interjectional *e-* and *quidem* (not as Roby, § 531, suggests of *et*): cp. Corssen, ii². 856 f; and is sometimes, though rarely, used with other persons: cp. Sall. Cat. 52. 16 'quare vanum equidem hoc consilium est:' ib. 58. 4 'scitis equidem milites.' Ritschl, Proll. lxxv–lxix rejected this construction from Plautus, and wrote 'non recurret opinor furca expulsum *equidem*,' but was afterwards convinced by Ribbeck's arguments and restored it in Trin. 352. 611: cp. Opusc. v. 335: Goetz on Epid. 603. See also Kühner, ii. 606–608. Gildersleeve on Pers. i. 110.

We should more naturally have made the first clause subordinate to the second, not coordinate: 'though I admit . . . yet I maintain,' etc.

3. **haec**, i. e. studia, 'these pursuits.'

[et ingeniis et]: the MS. reading here is ungrammatical: the descriptive ablative cannot be used without a predicate (Roby, § 1230): hence some have conjectured the loss of an adjective (Kühner, 'ingeniis *magnis*,' Sorof, 'ingeniis *insignes*'), while Müller and Henr. read *floruisse* for *fuisse*. But the sentence runs much better without the bracketed words; they look like the marginal gloss of a reader who had an unseasonable remembrance of Cicero's repeated assertion that natural abilities without extensive learning will not suffice for real eloquence. As Adler justly says, if Cicero had wished to express that view here he would certainly have written 'multos ingeniis insignes magna laude dicendi fuisse.' The objection made on the score of the plural *ingeniis* is not valid. Cicero sometimes uses the plural for the natural powers of several persons, though not of one: cp. note on § 11.

6. **pertinerent**, 'contributed towards' or 'to produce.'

7. **confirmo**, rather more than 'affirm:' 'I maintain' my previous assertion.

8. **Quo**, etc. 'Hence I was the more desirous to commit to writing.' Roby, § 1700.

10. **fuisset**, plupf. conj. by a kind of attraction: cp. Acad. ii. 3. 9 'cum eo Catulus et Lucullus nosque ipsi postridie venissemus, quam apud Catulum fuissemus.' The construction is analogous to that with the impf. conj. explained in Madvig, § 383 with obs. 1.

11. **vel . . . vel** shows that the various motives were regarded as singly adequate, and also as consistent with each other.

12. **divinitus**: i. 7. 28 (note).

13. **si ullo modo**: in iii. 4. 14 ff. Cicero admits that his report of the discourse of Crassus falls short of its actual eloquence.

14. **potuissem**, 'could *succeed in* attaining:' 'possem,' would have implied only 'had the ability to attain:' cp. Roby, § 1454. 2.

senescentem, quantum ego possem, ab oblivione hominum atque
a silentio vindicarem. Nam si ex scriptis cognosci ipsi suis 8
potuissent, minus hoc fortasse mihi esse putassem laborandum;
sed cum alter non multum, quod quidem exstaret, et id ipsum
adulescens, alter nihil admodum scripti reliquisset, deberi hoc a
me tantis hominum ingeniis putavi, ut, cum etiam nunc vivam
illorum memoriam teneremus, hanc immortalem redderem, si
possem; quod hoc etiam spe adgredior maiore ad probandum, 9
quia non de Ser. Galbae aut C. Carbonis eloquentia scribo
aliquid, in quo liceat mihi fingere, si quid velim, nullius memoria
iam me refellente, sed edo haec eis cognoscenda, qui eos ipsos,
de quibus loquor, saepe audierunt; ut duos summos viros eis,
qui neutrum illorum viderint, eorum, quibus ambo illi oratores
cogniti sint, vivorum et praesentium memoria teste commendemus.

1. **senescentem,** opposed to ***vigentem:*** cp. i. 58. 247 'non vides veteres leges—ipsas sua vetustate consenuisse;' de Nat. Deor. ii. 19. 49 'hiems senescens.' Nägelsb. Stil. p. 377.

2. **ipsi suis.** Madvig, § 487 b.

3. **hoc . . . laborandum:** the acc. of the neuter pronoun might have been used after *laborare* (Roby, § 1094): hence the construction with the gerundive.

4. **alter:** sc. Crassus.

non multum. Orat. 38. 132 'Sed Crassi perpauca sunt, nec ea iudiciorum:' his published speeches were political orations, especially the 'suasio legis Serviliae' and 'de colonia Narbonensi' (Introd. pp. 8–12; Brut. 43–4, 158–162). He had only published a few passages from his other speeches.

exstaret, because of 'putavi.'

5. **adulescens:** Crassus was in his twenty-second year at the time of the later of his two published speeches. There is a slight zeugma: we may supply 'scripsisset.'

nihil admodum. The exact meaning of this phrase has been much discussed. Ellendt in his note here argues for the meaning 'fere nihil,' on the ground that Antonius had left 'de ratione dicendi sane exilem libellum' (Brut. 44. 163: i. 21. 94): but Hand's argument (Tursell. i. 173 f.) is quite sound that this could give no just idea of his oratorical power. So in Brut. 9. 35, where Cicero says 'plane quidem perfectum et cui nihil admodum desit Demosthenem facile dixeris,' Ell. argues for the same force, because in Or. 29. 104, Cicero expresses himself as not absolutely satisfied even with Demosthenes. But surely 'cui nihil admodum desit' is quite equivalent to 'plane perfectum.' In Brut 58. 210 'Curio litterarum nihil admodum sciebat' the context shows that Curio was absolutely ignorant of literature. The same force must be given in Liv. xxiii. 29. 14 'equestris pugna nulla admodum fuit' (cp. 46. 10), xl. 59. 2 'armorum magnam vim transtulit, nullam pecuniam admodum.' Hence the attempted distinction between 'nihil admodum' and 'admodum nihil' must be abandoned, and we must translate here 'absolutely nothing,' not as Pid. 'almost as good as nothing.' Cp. also Müller on Seyffert's Lael. 4. 16. With adjectives it is admitted to make no difference whether *admodum* is prefixed or follows.

hoc, i. e. 'this tribute,' as in l. 3, 'hoc' = 'this task.' Nägelsb. Stil. p. 124.

8. **quod . . . ad probandum.** The construction here is slightly confused: 'ad probandum' is adapted to the preceding 'aggredior,' whereas we should have expected 'spe' to be followed by 'me probaturum.' We may suppose Cicero to have been influenced either by the common use of '*quod* introductory' (cp. Madvig on de Fin. i. 67), or by 'ad quod probandum:' **aggredior** is used of course with or without *ad*: cp. Brut. 37. 139 'imparatus semper aggredi ad dicendum videbatur' (Roby, § 1145). **hoc,** abl. anticipatory of 'quia . . . edo.'

9. **Galbae:** i. 10. 40. (note).

Carbonis: ib. Introd. p. 8.

14. **praesentium,** 'still among us.'

3 Nec vero te, carissime frater atque optime, rhetoricis nunc qui-
10 busdam libris, quos tu agrestis putas, insequor ut erudiam—quid enim tua potest oratione aut subtilius aut ornatius esse?—sed sive iudicio, ut soles dicere, sive, ut ille pater eloquentiae de se Isocrates scripsit ipse, pudore a dicendo et timiditate ingenua quadam refugisti, sive, ut ipse iocari soles, unum putasti satis esse non modo in una familia rhetorem, sed paene in tota civitate, non tamen arbitror tibi hos libros in eo fore genere, quod merito propter eorum, qui de dicendi ratione disputarunt, ieiunitatem
11 bonarum artium possit inludi; nihil enim mihi quidem videtur in Crassi et Antonii sermone esse praeteritum, quod quisquam summis ingeniis, acerrimis studiis, optima doctrina, maximo usu cognosci ac percipi potuisse arbitraretur, quod tu facillime poteris iudicare, qui prudentiam rationemque dicendi per te ipsum, usum

4. *sive iudicio* b: *sed quoniam sive iudicio*, codd. 5. *Isocrates* incl. K. 13. *arbitraretur*: 'malim *arbitretur*' K.

1. **te** depends directly upon **insequor,** to which **ut erudiam** is added by way of explanation.

2. **agrestis,** 'rude,' tasteless things, often opposed by Cicero to *doctus* or *urbanus*: cp. iii. 11. 42 'rustica vox et agrestis.'

3. **subtilius,** 'more exact:' cp. note on i. 5. 17.

4. **iudicio,** 'on principle:' iii. 16. 59; 28. 110. Many MSS. and the earlier editors have 'sed quoniam sive iudicio,' for which Ern. and others read 'quamquam:' but *b* has 'sed sive iudicio,' and this is unquestionably right. The general sense is: 'I do not wish to instruct you in rhetoric—for your style of speaking could hardly be improved—but whatever the reasons which have induced you not to speak in public, I still do not think you will regard this work as deserving of ridicule.'

5. **Isocrates,** not to be bracketed (with Kayser and Bake), inasmuch as the term 'pater eloquentiae,' which appears to be applied to him only here, would not sufficiently denote him. The appellation is given to him from the number of orators who came forth from his school, so that 'domus cunctae Graeciae quasi ludus quidam patuit, atque officina dicendi' (Brut. 8. 32): Introd. p. 35. For the position of the proper name, cp. Tusc. iv. 2. 4 'gravissimus auctor in Originibus dixit Cato' with Kühner's note.

scripsit ipse: Panath. § 10, p. 261 Bekker: *οὕτω γὰρ ἐνδεὴς ἀμφοτέρων ἐγενόμην φωνῆς ἱκανῆς καὶ τόλμης, ὡς οὐκ οἶδ' εἴ τις ἄλλος τῶν πολιτῶν.* Cp. Cic. de Rep. iii. 30. 42 'duas sibi res, quo minus in volgus et in foro diceret confidentiam et vocem defuisse.'

7. **rhetorem** not *oratorem* (as Bake would read without reason or authority), 'an orator trained on Greek theories:' cp. Tusc. iii. 26. 63 'ut licere quidvis rhetori intellegas.' The word has a much more disparaging force than *orator*, and is by no means equivalent to it, as even Heindorf says on Hor. Sat. i. 10. 12: and Forcellini, s. v. Such an interpretation would rob Juv. Sat. vii. 197–8 of all point: cp. i. 18. 84. In de Fin. ii. 6. 17 *rhetores* are 'declaimers' opposed to *dialectici*, 'logicians.' In Acad. i. 5 we have *orator*, where *rhetor* might have been expected.

9. **ieiunitatem** = 'inopiam,' with which it is coupled in Brut. 55. 202 'cavenda est presso illi oratori inopia et ieiunitas:' and 82. 285. The origin of the word *ieiunus* is by no means clear.

11. **praeteritum,** 'passed over,' so used with or without *silentio.*

12. **ingeniis,** rarely used thus in the plural, and here only because the tense of 'potuisse' shows that Crassus and Antonius are especially in Cicero's mind.

13. **arbitraretur,** 'would have thought' at the time of the discourse.

14. **per te ipsum,** with a little gentle irony, directed at the disparagement of theoretical training by Quintus: cp. i. 2. 5.

autem per nos percipere voluisti. Sed quo citius hoc, quod suscepimus, non mediocre munus conficere possimus, omissa nostra adhortatione ad eorum, quos proposuimus, sermonem disputationemque veniamus.

Postero igitur die, quam illa erant acta, hora fere secunda, 12
cum etiam tum in lecto Crassus esset et apud eum Sulpicius sederet, Antonius autem inambularet cum Cotta in porticu, repente eo Q. Catulus senex cum C. Iulio fratre venit; quod ubi audivit, commotus Crassus surrexit omnesque admirati maiorem
aliquam esse causam eorum adventus suspicati sunt. Qui cum 13
inter se, ut ipsorum usus ferebat, amicissime consalutassent: 'quid vos tandem?' Crassus 'numquidnam' inquit 'novi?' 'Nihil sane,' inquit Catulus 'etenim vides esse ludos; sed—vel tu nos ineptos

1. Sorof finds a slight zeugma in **percipere,** which suits exactly only 'rationem dicendi,' while 'tibi comparare' would have gone better with 'prudentiam,' and 'cognoscere' with 'usum:' but *percipere* is often used by Cic. with some latitude: cp. i. § 219: *prudentiam rationemque* however form practically a hendiadys, 'skill in the theory.'

§§ 12-27. ***The circumstances of the discussion in the morning of the second day. Arrival of Catulus and Caesar. After some conversation on the proper use of leisure, Antonius takes up his part in the discussion.***

6. **etiam tum in lecto.** Crassus was noted for his luxurious habits: cp. Introd. p. 12, and i. 7. 29. Sulpicius was especially devoted to Crassus, Cotta to Antonius: ib. p. 16.

7. **porticus,** 'colonnade,' never 'porch' in the modern sense, though Shakspere uses 'porch' in the sense of *porticus*: e.g. 'Repair to Pompey's porch, where you shall find us:' Jul. Caes. Act I. Sc. iii.

8. **Catulus**: Introd. p. 23. The son of this Catulus was consul in 78, and would therefore be at this time about thirty years of age: hence perhaps the distinctive addition of 'senex.'

C. Iulio: Introd. p. 24.

9. **commotus**: for the exciting position of public affairs at this time see Introd. p. 6.

admirati, 'in astonishment,' as in i. 56. 237. This use is so common, that it is hardly correct with Sorof to say that 'mirati' would have been more usual.

11. **inter se . . consalutassent**: 'consalutari dici videri reciproce pro ἀσπάζεσθαι vi verbi medii apud Graecos legitima, Latinis qui mediis carent, inusitata, significavi ad i. 20. 90:' Ell. The word may have this force in Flor. iv. 3. 6 'exercitus consalutant,' but it is more correct to say that *con-* gives the force of joint action: *inter se* is the regular classical expression for reciprocal action: cp. Madvig, § 490 b. obs. 6: Plaut. Capt. 2. 3. 60 'videas corde amare inter se:' Cic. ad Att. vi. 1. 12 'Cicerones pueri inter se amant:' in Cat. iii. 5. 13 'furtim non nunquam inter se aspiciebant;' while *invicem* replaces it in later Latin from Livy onwards: e.g. Plin. Ep. vii. 20. ad fin. 'ut ardentius invicem diligamus.' Cp. Kühner, ii. 450; Dräger, Hist. Synt. i. 371. So *inter nos*: i. 8. 32. *Se inter se* is never used in this phrase: Nägelsb. Stil. p. 241.

ferebat, 'prompted' or perhaps simply 'permitted:' cp. pro Cluent. 60. 168 'ut aetas illa fert:' ad Q. Fratr. i. 4. 5 'ad me, ut tempora nostra, non ut amor tuus fert, vere perscribe.'

11. **quid vos tandem?** sc. facitis: Roby, § 1441. There is a very similar passage in the introduction to the Brutus (3. 10) 'nam cum inambularem in xysto' (i. q. *porticu* here) 'M. ad me Brutus cum T. Pomponio venerat. Quos postquam salutavi, quid vos, inquam, Brute et Attice? numquid tandem novi? Nihil sane, inquit Brutus.'

12. **Crassus . . . inquit**: for the separation of these two words, which is quite usual, cp. §§ 16, 296: for the position of 'Crassus,' i. 33. 149.

13. **ludos**: i. 7. 24; Introd. p. 6.

ineptos . . . vel molestos, 'impertinent or troublesome, as you please:' cp. below, § 17.

licet' inquit 'vel molestos putes — cum ad me in Tuscula-
num' inquit 'heri vesperi venisset Caesar de Tusculano suo,
dixit mihi a se Scaevolam hinc euntem esse conventum, ex quo
mira quaedam se audisse dicebat; te, quem ego totiens omni
ratione temptans ad disputandum elicere non potuissem, per-
multa de eloquentia cum Antonio disseruisse et tamquam in
14 schola prope ad Graecorum consuetudinem disputasse: ita me
frater exoravit ne ipsum quidem a studio audiendi nimis abhor-
rentem, sed mehercule verentem, ne molesti vobis interveniremus,
ut huc secum venirem; etenim Scaevolam ita dicere aiebat,
bonam partem sermonis in hunc diem esse dilatam. Hoc tu si
cupidius factum existimas, Caesari attribues; si familiarius,
utrique nostrum; nos quidem, nisi forte molesti intervenimus,
4 venisse delectat.' Tum Crassus 'equidem, quaecumque vos causa
15 huc attulisset, laetarer, cum apud me viderem homines mihi
carissimos et amicissimos; sed tamen, vere dicam, quaevis
mallem fuisset, quam ista, quam dicis. Ego enim, ut, quem ad
modum sentiam, loquar, numquam mihi minus quam hesterno
die placui; magis adeo id facilitate quam alia ulla culpa mea
contigit, qui, dum obsequor adulescentibus, me senem esse

1. *inquit* incl. Ern. K. 14. *quaevis causa* B b.

1. **licet, inquit**: Ell. strikes out *inquit* here, in consequence of the frequent repetition of the word. It is repeated in § 298, but only once: and certainly the fourth recurrence of the word could well be spared. It can only be defended here by the parenthesis, and by the endeavour to keep up a familiar tone. So **dixit . . . dicebat.**

2. **heri**: cp. Quintil. i. 7. 22 '"heri" nunc e littera terminamus: at veterum comicorum adhuc libris invenio "heri ad me venit" [Ter. Phorm. 6], quod idem in epistulis Augusti, quas sua manu scripsit aut emendavit, deprehenditur:' ib. i. 4. 8 'in "here" neque e plane neque i auditur.'

5. **elicere**: cp. i. 21. 97 'verbum ex eo (Crasso) nunquam elicere potui de vi ac ratione dicendi, cum et per memet ipsum egissem et per Drusum saepe temptassem.'

permulta . . disseruisse, 'stated his views at great length.'

7. **schola**: perhaps not as in i. 22. 102 of a school, but rather as in de Fin. ii. 1. 1 'scholam aliquam explicare,' of a lecture, dissertation. Cp. Tusc. i. 4. 8.

disputasse, 'discussed.'

10. **dicere**: imperf. for perf. for the sake of vividness, as after *memini*: Roby, § 1372. Caesar's words to his brother would be 'Scaevola tells me.'

11. **bonam partem,** 'a good part,' i.e. a good deal: cp. Hor. Sat. i. 1. 61 'bona pars hominum:' in Ter. Eun. 123 we have 'bonam magnamque partem ad te adtulit.'

13. **nisi forte molesti intervenimus** is characteristic of the kindly courtesy of Catulus: Introd. p. 24.

15. **attulisset.** Roby, § 1778.

16. **vere dicam.** Cicero almost always uses the future in such phrases: see note on i. 21. 98.

19. **adeo,** 'in fact,' 'really.' Liv. iv. 2. 1 'id adeo non plebis quam patrum neque tribunorum magis quam consulum culpa accidere.'

20. **contigit,** not here in its more usual meaning of a happy chance (cp. Doederl. Synon. v. 339; Cic. in Cat. i. 16, with Halm's note): but of something natural or deserved: cp. Mayor on Phil. ii. § 17: Reid on Lael. § 8 (where it is distinctly used of bad fortune): Cat. M. §§ 8. 71.

obsequor. Madvig, § 336, obs. 2.

senem: i. 45. 199 (note).

oblitus sum fecique id, quod ne adulescens quidem feceram, ut
eis de rebus, quae doctrina aliqua continerentur, disputarem.
Sed hoc tamen cecidit mihi peropportune, quod transactis iam
meis partibus ad Antonium audiendum venistis.' Tum Caesar 16
'equidem,' inquit 'Crasse, ita sum cupidus in illa longiore te ac
perpetua disputatione audiendi, ut, si id mihi minus contingat,
vel hoc sim cotidiano tuo sermone contentus; itaque experiar
equidem [illud] ut ne Sulpicius familiaris meus aut Cotta plus
quam ego apud te valere videantur, et te exorabo profecto, ut
mihi quoque et Catulo tuae suavitatis aliquid impertias; sin
tibi id minus libebit, non te urgebo neque committam, ut, dum
vereare tu ne sis ineptus, me esse iudices.' Tum ille 'ego me- 17
hercule' inquit Crassus 'ex omnibus Latinis verbis huius verbi
vim vel maximam semper putavi; quem enim nos ineptum
vocamus, is mihi videtur ab hoc nomen habere ductum, quod
non sit aptus, idque in sermonis nostri consuetudine perlate
patet; nam qui aut tempus quid postulet non videt aut plura

8. *illud* om B. Lag. 36; incl. K. 11. *licebit,* B. Lag. 36 K. *libebit,* b S. P (A). 12. *tum ille,* om. B. incl. K.

1. **ut,** explanatory. Madvig, § 374.

2. **doctrina continerentur**: cp. note on i. 2. 5.

4. **partibus**: in Cicero always in the plural, where it has the force of *rôle*. Quintilian first uses it in the singular with this meaning.

Tum Caesar, equidem, inquit. Sorof puts a colon after Caesar, supposing the very common ellipse of the verb of saying, which is taken up, he thinks, by 'inquit.' This seems quite needless.

5. **ita sum . . . ut,** 'while I am . . . yet:' for *ita* restrictive cp. Roby, § 1704.

8. **illud** is omitted by two good MSS. and bracketed by Kayser. If it stands, it can only be explained as referring to the 'audire in longiore ac perpetua disputatione:' 'I will endeavour to persuade you to the former.'

9. **videantur**: the plural, rejected by Pearce and Ernesti, is supported by sufficient instances: cp. de Off. i. 41. 148 'nec quemquam hoc errore duci oportet ut si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere,' where Dr. Holden remarks '*aut* loses its disjunctive force in a negative clause.' Ep. Fam. iv. 5 (in a letter of Sulpicius) 'quid est quod tu aut illa cum fortuna hoc nomine queri possitis.' Hence the reading of the best MSS. adopted by Orelli, Keller, and Munro, 'aut qui,' in Hor. Sat. ii. 1. 65, is not grammatically incorrect, as Bentley asserted. Cp. Madvig, § 213 b. obs. 1.

11. **libebit** is decidedly better than Kayser's *licebit,* which less suits the tone of the passage. On the other hand, we must certainly read 'licet,' not 'libet' (as Umpfenbach does) in Ter. Andr. 816.

14. **vim vel maximam,** 'the very widest signification.' For this use of *vis,* 'force,' see note on i. 15. 64. Piderit defends this discussion of the word *ineptus* from the charge of being an irrelevant digression, on the ground that it is of the very essence of good oratory to observe the proper limits in everything. But Cicero elsewhere indulges in disquisitions on the poverty of the Greek language as compared with the Latin, not always very well founded. Cp. Tusc. ii. 15. 35.

ineptus is untranslateable: 'impertinent' often comes nearest to it: 'wanting in tact' is sometimes more exact.

15. **ductum,** 'derived:' *derivatum* in this sense is not earlier than Quintilian.

17. **plura,** 'too much.'

loquitur aut se ostentat aut eorum, quibuscum est, vel dignitatis
vel commodi rationem non habet aut denique in aliquo genere
18 aut inconcinnus aut multus est, is ineptus esse dicitur. Hoc vitio
cumulata est eruditissima illa Graecorum natio; itaque quod
vim huius mali Graeci non vident, ne nomen quidem ei vitio
imposuerunt; ut enim quaeras omnia, quo modo Graeci ineptum
appellent, non reperies. Omnium autem ineptiarum, quae sunt
innumerabiles, haud sciam an nulla sit maior, quam, ut illi solent,
quocumque in loco, quoscumque inter homines visum est, de
rebus aut difficillimis aut non necessariis argutissime disputare.
Hoc nos ab istis [adulescentibus] facere inviti et recusantes heri
5 coacti sumus.' Tum Catulus 'ne Graeci quidem,' inquit 'Crasse,
19 qui in civitatibus suis clari et magni fuerunt, sicuti tu es nosque
omnes in nostra re publica volumus esse, horum Graecorum, qui
se inculcant auribus nostris, similes fuerunt, nec in otio sermones

8. *haud sciam* Bb P(A): *haud scio* (nescio an incuria) K. 12. C. v. § 19: Hic incipit Cod. Abrinc. 15. *nec in otio* ABb Lagg. 2, 13, 32, 36. legebatur *nec tamen in otio.*

1. **quibuscum est,** 'with whom he has to do.'

2. **in aliquo genere,** 'in some way or other,' an indefinite expression to which 'inconcinnus' and 'multus' are subordinated.

3. **inconcinnus,** 'awkward.'

multus, 'officious, troublesome' = πολυπραγμονῶν: the word generally means 'loquacious,' (cp. § 358), but it is not limited to this sense, nor is it proper to give it that force here, as Pid. does, for this would be tautology after 'plura loquitur.' Cp. Plaut. Men. 316 'heu hercle homonem multum et odiossum mihi.'

4. **cumulata est,** 'abounds:' so 'ineptitudinis cumulatus' Caecilius (Ribbeck, Fragm. Com. p. 44).

eruditissima, 'with all its learning.' Cicero is speaking of course mainly of the Greeks as he knew them at Rome: the rhetoricians, grammarians, and *aretalogi.*

5. **ne nomen quidem**:—ἀνάρμοστος, which comes nearest to *ineptus* in formation, certainly does not correspond to it in force. It may be doubted whether ἄτοπος, which Wyttenbach suggested as an equivalent, quite coincides. But if there be no identical expression this is due to any cause rather than that to which Cicero ascribes it: it comes rather from their superior powers of analysis: the characters of ὁ ἄκαιρος, ὁ περίεργος and ὁ ἀδολέσχης in Theophrastus (Nos. ix, x, and xviii in Prof. Jebb's charming edition) all represent different sides of the *ineptus.*—For the Roman opinion of Greek talkativeness, cp. Sen. Ep. 40. § 40 'nunquam dubitavit (Haterius), nunquam intermisit. In Graecis hanc licentiam tuleris,' and other passages quoted by Mayor on Juv. iii. 73. So above, i. 22. 102.

7. **ineptiarum,** 'instances of want of taste:' i. 24. 111: Brut. 91. 315 'si nihil habere molestiarum nec ineptiarum Atticorum est, hic orator in illis numerari recte potest.'

8. **haud sciam an**: i. 60. 255 (note).

10. 'aut non,' 'or at any rate not.' Cp. i. 19. 85 (note): and Kühner, Ausf. Gr. ii. 708.

argutissime, 'most subtly:' or we might perhaps give the word the force of 'wordily,' which it has in ad Att. vi. 5. 1 'litteras quam argutissimas.' Cp. de Leg. i. 2. 7 'nam quid Macrum numerem? cuius loquacitas habet aliquid argutiarum, nec id tamen ex illa erudita Graecorum copia, sed ex librariolis Latinis.'

11. **recusantes,** 'under protest.'

12. **Tum Catulus.** With these words the first portion of the Codex Abrincensis begins. Henceforward all important readings of this MS. will be noticed.

14. **horum Graecorum,** 'the Greeks whom we are accustomed to see.' Catulus appears in his usual character as a Philhellene.

15. **inculcant,** 'obtrude themselves upon,' a very strong word, not apparently elsewhere so used: cp. i. 28. 127.

nec in otio. The inferior MSS. have

huius modi disputationesque fugiebant; ac si tibi videntur, qui 20 temporis, qui loci, qui hominum rationem non habent, inepti, sicut debent videri, num tandem aut locus hic non idoneus videtur, in quo porticus haec ipsa, ubi nunc ambulamus, et palaestra et tot locis sessiones gymnasiorum et Graecorum disputationum memoriam quodam modo commovent? aut num importunum tempus in tanto otio, quod et raro datur et nunc peroptato nobis datum est? aut homines ab hoc genere disputationis alieni, qui omnes ei sumus, ut sine his studiis vitam nullam esse ducamus?' 'omnia ista' inquit Crassus 'ego alio 21 modo interpretor, qui primum palaestram et sedes et porticus etiam ipsos, Catule, Graecos exercitationis [et delectationis]

6. *num importunum* A cum codd. plur. legebatur *inopportunum.*
12. *et delectationis . . . non disputationis* om. codd. mut. omnes: incl. K.

nec tamen, which expresses the meaning, but is not necessary: cp. § 62 'neque eam reperio:' Liv. iii. 55. 1 'consulatus sine ulla patrum iniuria, nec sine offensione fuit.'

5. **tot locis**, an adjectival expression qualifying *sessiones*; in Greek it would have been preceded by the article. Nägels. Stil. p. 22 and 203. Cp. iii. 3. 10 'C. Carbonis eodem illo die mors,' 'death on that very day.'

sessiones, 'seats:' cp. de Fin. v. 1. 2 'Polemo cuius illa ipsa sessio fuit.'

gymnasiorum ad Graecorum disputationum. If Kayser were correct in supposing that A, B. b, and several Lagg. had *ad* not *et,* I should be inclined to bracket 'ad Gr. disp.,' not, as he does, 'gymn. ad Gr.' But Schneidewin's collation gives *et* in A, and Sorof says that the same is found in B γ, so that the text is probably sound, especially as *ipsos* in § 21 seems to point to a recent mention of the Greeks. There is no authority for Pid.'s *Graecarum,* which would mean 'discussions in the Greek language;' whereas we want here 'the discussions of the Greeks.'

gymnasiorum: cp. note on i. 13. 56; 21. 98.

7. **importunum.** Lambinus wanted to read *inopportunum*; but quite needlessly: *importunus* is originally the exact opposite of *opportunus*: thus all the Lagg. MSS. have in iii. 5. 18 'sedes huic nostro non importuna sermoni:' cp. Sall. Jug. 92. 7 'aggeribus turribusque et aliis machinationibus locus importunus.' [It is more difficult to determine the precise force of the word in Sall. Jug. 3. 2 'vi quidem regere patriam aut parentes . . . importunum est,' where Kritz notes 'significat autem *periculum et molestiam habet*; see other interpretations in his note.] So in Tac. Ann. xii. 12 'Armeniam petunt id temporis importunam, quia hiemps occipiebat,' where however the word is doubtless coloured by its more usual meaning of 'savage, ruthless:' cp. note on i. 53. 230. The word *inopportunus* does not occur till late Latin. Nägelsb. Stil. p. 307.

8. **peroptato**: Roby, § 1138.

9. **vitam nullam** = βίον οὐ βιωτόν (Plat. Apol. 38 A): cp. Lael. 6. 22 'qui potest esse vita vitalis, ut ait Ennius,' 23. 86, 'sine amicitia vitam esse nullam:' de Off. ii. 4. 15 'sine quibus vita omnino nulla esse potuisset.'

10. **alio modo interpretor,** 'I look at differently.' So Lael. 5. 18 'eam sapientiam interpretantur' = 'they understand wisdom to be a thing,' etc. Cp. Curt. Princ. ii. 325.

11. **qui primum,** answered by 'otium autem,' in § 22, and 'quod addidisti tertium' in § 25.

12. **exercitationis causa.** It seems better here to follow the authority of A and the better MSS. and omit 'et delectationis' after 'exercitationis,' and 'non disputationis' after 'causa.' Adler's reasons for retaining the words are not strong, and his attempt to explain their loss does not agree with the facts of the MS. testimony. *Exercitationis* is here evidently physical exercise, as in de Nat. Deor. ii. 36 'Corpora nostra motu et exercitatione recalescunt;' but this is by

causa [non disputationis] invenisse arbitror; nam et saeculis multis ante gymnasia inventa sunt, quam in eis philosophi garrire coeperunt, et hoc ipso tempore, cum omnia gymnasia philosophi teneant, tamen eorum auditores discum audire quam philosophum malunt; qui simul ut increpuit, in media oratione de maximis rebus et gravissimis disputantem philosophum omnes unctionis causa relinquunt; ita levissimam delectationem gravissimae, ut
22 ipsi ferunt, utilitati anteponunt. Otium autem quod dicis esse, adsentior; verum otii fructus est non contentio animi, sed re-
6 laxatio: saepe ex socero meo audivi, cum is diceret socerum suum Laelium semper fere cum Scipione solitum rusticari eosque incredibiliter repuerascere esse solitos, cum rus ex urbe tamquam e vinclis evolavissent. Non audeo dicere de talibus viris, sed tamen ita solet narrare Scaevola, conchas eos et umbilicos ad Caietam et ad Laurentum legere consuesse et ad omnem animi

no means the only force of the word: cp. i. 57. 243; iii. 24. 94; and Div. in Caec. 15. 47 'usu forensi et exercitatione tironem.'

2. **garrire**, contemptuously of the 'chatter' of philosophers, as in de Nat. Deor. i. 39. 108 'tanta est impunitas garriendi.'

3. **cum**, followed by the conj. because, although it serves to explain 'tempore,' it has at the same time a concessive force, 'although the philosophers are in possession of.' A has *timeant*, a warning not to trust any MS. too blindly, and at the same time a valuable indication that its errors are likely to be those of a mechanical copyist, not of a tamperer with the text.

5. **qui . . . increpuit,** 'for as soon as its clink is heard.'

8. **utilitati,** 'advantage:' cp. i. 9. 36.

9. **otii fructus est,** 'the true way of enjoying leisure is not to strain the mind but to relax the strain.'

10. **socero**: Q. Mucius Scaevola: Introd. p. 21–2.

11. **semper fere** = ἀεὶ ὡς ἔπος εἰπεῖν: cp. Reid on Lael. § 2.

rusticari: cp. Hor. Sat. ii. 1. 71 'quin ubi se a volgo et scaena in secreta remorant | virtus Scipiadae et mitis sapientia Laeli, | nugari cum illo [Lucilio] et discincti ludere, donec | decoqueretur holus, soliti.'

12. **rus ex urbe**. Sorof notes that it is almost always Cicero's practice to bring together the local expressions, and to place first the words which denote the place to which movement is directed.

13. **vinclis**. So A: see note on i. 43. 194.

14. **umbilicos** has been explained by some to be a kind of sea-snail or sea-cockle, by others as 'small pebbles.' Valerius Maximus viii. 8. 1 (Halm) tells this story, apparently after Cicero: 'constat namque eos [Scipionem et Laelium] Caietae et Laurenti uagos litoribus conchulas et umbilicos lectitasse, idque se P. Crassus ex socero suo Scaevola, qui gener Laelii fuit, audisse saepe numero praedicavit:' (of course *P.* Crassus is a slip of memory for *L.* on the part of Val. Max.). Now the inferior MSS. of Valerius for *umbilicos* (cod. Bern. *obulicos*, corr. Pighius) have *calculos*, which all editors before Halm retain, whence it seems that the latter was at all events the traditional explanation.

15. **Caietam . . . Laurentum.** Caiēta —the modern Gaeta—on a remarkable promontory forming the northern extremity of the large and beautiful bay of Caieta. This bay 'early became a favourite place of resort with the Romans, and was studded with numerous villas. The greater part of these were on its northern shore, near Formiae; but the whole distance from thence to Caieta (about four miles) was gradually occupied in this manner, and many splendid villas arose on the headland itself, and the adjoining isthmus.' E. H. B. in Dict. Geog. Of Laurentum, where Pliny had a villa, described at great length in Ep. ii. 7, he writes 'Litus ornant varietate gratissima, nunc continua, nunc intermissa tecta villarum, quae praestant

remissionem ludumque descendere. Sic enim res sese habet, ut, 23
quem ad modum volucris videmus procreationis atque utilitatis
suae causa effingere et constituere nidos, easdem autem, cum
aliquid effecerint, levandi laboris sui causa passim ac libere
solutas opere volitare, sic nostri animi negotiis forensibus atque
urbano opere defessi gestiant ac volitare cupiant vacui cura ac
labore. Itaque illud ego, quod in causa Curiana Scaevolae dixi, 24
non dixi secus ac sentiebam: 'nam si,' inquam 'Scaevola, nullum
erit testamentum recte factum, nisi quod tu scripseris, omnes ad
te cives cum tabulis veniemus, omnium testamenta tu scribes
unus. Quid igitur?' inquam 'quando ages negotium publicum?
quando amicorum? quando tuum? quando denique nihil ages?'
tum illud addidi 'mihi enim liber esse non videtur, qui non
aliquando nihil agit.' In qua permaneo, Catule, sententia meque,
cum huc veni, hoc ipsum nihil agere et plane cessare delectat.
Nam, quod addidisti tertium, vos esse eos, qui vitam insuavem 25
sine his studiis putaretis, id me non modo non hortatur ad dis-
putandum, sed etiam deterret. Nam ut C. Lucilius, homo doctus
et perurbanus, dicere solebat [ea, quae scriberet] neque se ab
indoctissimis neque a doctissimis legi velle, quod alteri nihil in-
tellegerent, alteri plus fortasse quam ipse; de quo etiam scripsit

19. *ea quae scriberet* om. ABzb. incl. K.: habent Lagg. omnes.

multarum urbium faciem, sive mari, sive ipso litore utare.' Cp. Burn's Rome and the Campagna, p. 23. The former was especially a summer, the latter a winter retreat, at all events under the Empire.

1. **ut ... gestiant ac ... cupiant.** The best MSS. have *gestiunt ac ... cupiunt*, which some have attempted to defend as an anacoluthon; but such a construction would be quite out of place here. Lambinus, followed by Or. Henr. and Bake, struck out *ut*, but there is nothing to explain its insertion, if it be not genuine: hence it is perhaps better to acquiesce in the reading of the inferior MSS. with all recent editors.

2. **volucris** (so A), the gen. plur. being *volucrium* as well as *volucrum*, though the former is rare. Cp. Neue ii.[2] 37–8. Keller (Rhein. Mus. 1866, pp. 242–3) shows that Vergil and Horace according to the best MSS. use *volucres* as subst., *volucris*, as adj.

5. **negotiis forensibus atque urbano opere.** The true order of the first two words, which gives the *chiasmus* of which Cicero is so fond, was restored by Ell. from the best Lagg. and γ: it is found also in A.

6. **gestiant**, 'exult.'

7. **in causa Curiana**: Introd. p. 11.

15. **cum huc veni**: Roby, § 1717. Madvig on de Fin. v. 15, 41.

hoc ipsum nihil agere; Roby, § 1355.

16. **Nam**, used in *occupatio* or 'anticipation' of an objection (as in i. §§ 18, 71 (note), 246, 254), generally with the suggestion that there is nothing much in it: we may omit in translation: 'as for the third argument, which you threw in.'

18. **homo doctus et perurbanus.** Kayser quite needlessly brackets these words, which may be rendered 'though himself a learned and highly accomplished man:' cp. i. 16. 72 (note).

19. **[ea quae scriberet]**, omitted in A B b Erf. etc., and probably due only to a misunderstanding of the personal construction of *legi*: for which cp. Quint. x. 1. 96 'Horatius fere solus legi dignus.' The earliest instance of this construction however seems to be Ovid's 'dumque legar' (Trist. v. 14. 5).

'Persium non curo legere,'—hic fuit enim, ut noramus, omnium fere nostrorum hominum doctissimus—'Laelium Decumum volo,' quem cognovimus virum bonum et non inlitteratum, sed nihil ad Persium; sic ego, si iam mihi disputandum sit de his nostris studiis, nolim equidem apud rusticos, sed multo minus apud vos; malo enim non intellegi orationem meam quam reprehendi.'
7 Tum Caesar 'equidem,' inquit 'Catule, iam mihi videor navasse
26 operam, quod huc venerim, nam haec ipsa recusatio disputationis disputatio quaedam fuit mihi quidem periucunda. Sed cur impedimus Antonium? cuius audio esse partis, ut de tota eloquentia disserat, quemque iam dudum et Cotta et Sulpicius exspectat?'
27 'ego vero' inquit Crassus 'neque Antonium verbum facere patiar

1. *noramus* codd. omnes, nisi quod b habet *non ignoramus*, quod temere adripuit K: miro modo Lag. 36 *volaterranus*.

1. **Persium non curo legere ... Laelium Decumum volo,** a trochaic tetrameter catalectic, probably from the 26th book of the Satires of Lucilius, which, as Lachmann and L. Mueller have shown, was the first of his published works. Plin Nat. Hist. Praef. § 7, says 'praeterea est quaedam publica etiam eruditorum reiectio. utitur illa et M. Tullius extra omnem ingenii aleam positus, et (quod miremur) per advocatum defenditur: "Nec doctissimis—Manium Persium haec legere nolo, Iunium Congum volo." quod si hoc Lucilius, qui primus condidit stili nasum, dicendum sibi putavit, Cicero mutuandum, praesertim cum de republica scriberet, quanto nos causatius ab aliquo iudice defendimus.' The praenomen Manius is evidently wrong here: the name of Persius was Gaius. Mr. Munro (Journal of Philology, viii. 207–210) has made it highly probable that Pliny wrote *Persium* in error for some other name: and that the full quotation, as it appeared in the (lost) opening of Cicero's de Republica was

'Nec doctissimis *scribuntur haec neque indoctissimis*:
Persium non curo legere, Laelium Decumum volo:
. . . . . . Manium
[Persium] haec *ego* legere nolo, Iunium Congum volo.'

See note on i. 60. 256.

C. Persius is spoken of by Cic. Brut. 26. 99 as 'litteratus homo, quem significat valde doctum esse Lucilius.' He was quaestor in B.C. 146 (a date which confirms Mr. Munro's view that Lucilius was not born in B.C. 148, but twenty years earlier), and would naturally be dead by B.C. 91. Hence *ut noramus*, 'as we knew him,' not as Sorof and Pid. 'as we learnt from others:' Kühner gives the right explanation 'wie wir ihn kannten.' Nothing seems to be known of Decimus Laelius.

3. **nihil ad Persium,** 'nothing to Persius:' for *ad* = 'compared with' = πρός: cp. de Leg. i. 2. 6 'nihil ad Caelium.' Plaut. Trin. 723 'credo ad summos bellatores acrem fugitorem fore:' Liv. xxii. 22. 15 'homini non ad cetera Punica ingenia callido persuasit:' Madvig on Cic. de Fin. iii. 16. 52.

4. **si iam**: cp. note on i. 50. 218; Munro on Lucret. i. 968.

6. **reprehendi,** 'disapproved.' So *reprehensor* is used for 'an adverse critic' in Acad. ii. 7: while *existimator* is a favourable or neutral critic.

7. **navasse operam,** 'to have spent my labour well:' *navare*, from the primary notion 'to act energetically,' acquires the force of 'to carry out successfully:' e. g. Tac. Hist. iii. 25 'bellum navare:' Brut. 81. 282 'qui quia navarat miles operam imperatori, imperatorem se statim esse cupiebat.' So 'operam reipublicae navare,' 'to be of good service to the state.'

8. **quod huc venerim,** 'in coming here.' Roby, § 1740.

recusatio, not quite so strong as 'refusal:' *recusare* is to object to do a thing, rather than to refuse; *recusatio* is originally a legal term, being the rejoinder on a *petitio*, and may be rendered 'protest.' Cp. p. Caec. 28. 81 'tu me ad verbum vocas; non ante veniam quam recusaro,' with the references in Jordan's note.

11. **exspectat**: cp. i. 62. 262: Madvig,

et ipse obmutescam, nisi prius a vobis impetraro'—'quidnam?' inquit Catulus. 'Ut hic sitis hodie.' Tum, cum ille dubitaret, quod ad fratrem promiserat, 'ego' inquit Iulius 'pro utroque respondeo: sic faciemus; atque ista quidem condicione, vel ut verbum nullum faceres, me teneres.' Hic Catulus adrisit et 28
simul, 'praecisa' inquit 'mihi quidem est dubitatio, quoniam neque domi imperaram et hic, apud quem eram futurus, sine mea sententia tam facile promisit.'

Tum omnes oculos in Antonium coniecerunt, et ille 'audite vero, audite,' inquit 'hominem enim audietis de schola atque a magistro et Graecis litteris eruditum, et eo quidem loquar confidentius, quod Catulus auditor accessit, cui non solum nos Latini sermonis, sed etiam Graeci ipsi solent suae linguae subtilitatem elegantiamque concedere. Sed quia tamen hoc totum, quidquid 29

§ 213 a. obs. Roby, § 1438, does not cover such cases as this, where the two subjects can hardly be said to form but one notion: cp. de Div. i. 39. 84 'hac ratione et Chrysippus et Diogenes et Antipater utitur.' Here the three philosophers are represented as acting independently and not collectively. This principle explains also Brut. 8. 30; 11. 42; cp. below § 53. In Caes. B. Civ. i. 2 'intercedit M. Antonius, Q. Cassius, tribuni plebis,' Cassius is thrown in as a kind of afterthought: 'M. Antonius vetoed the resolution of the senate, and so did Cassius.' There is a large collection of similar examples by C. F. W. Müller, in Seyffert's Laelius, p. 78.

1. **impetraro**: imitated by Tac. Dial. de Or. c. 16 'aperiam, inquit, cogitationes meas, si illud a vobis ante impetravero.'

2. **ut hic sitis hodie,** 'that you spend the day here,' expressed elsewhere by *cum* or *ad*: ad Fam. iv. 13. 6 'qui me admodum diligunt, multumque mecum sunt:' ad Att. x. 4. 8 'Curio ad me fuit sane diu.'

3. **ad fratrem promiserat,** 'he had engaged himself to his brother:' *ad* however is not used as in the passage just cited, but is suggested by the ellipse of some verb of motion; e.g. 'cenatum se iturum.' Cp. Plaut. Stich. iv. 2. 16 'ad cenam hercle alio promisi foras;' de Fin. v. 1. 1 'itaque ad tempus ad Pisonem omnes.'

4. **condicione** (sic A): cp. i. 22. 101 and Prof. Mayor in Journal of Philology, viii. 265–268. Sorof renders 'in fact, on the terms you offer, you would keep me here, even though you uttered no word of invitation,' assuming that Crassus has virtually made the offer that he will allow Antonius to speak, and perhaps say something himself, if they will stay to dinner. But it is very awkward to take 'verbum nullum faceres' in a different sense from 'verbum facere' just above: and indeed the words themselves would hardly bear Sorof's meaning. 'Ista condicio' is the offer of a dinner. Hence Ell. who renders 'with the offer you make, you would keep me, though neither of you should utter a word about oratory,' is practically right.

7. **neque domi imperaram,** 'I had given no orders at home,' of course for dinner: the fuller form of the phrase is found in pro Rosc. Am. 21. 59 'puerum ... cui cenam imperaret.'

sine mea sententia, 'without any expression of my opinion,' i. e. without having a word to say in the matter.

§§ 28–38. ***Antonius, after an ironical prelude, asserts that the art of oratory does not admit of scientific treatment. But he allows that some rules, resulting from observation and experience, may be given for the guidance of a speaker. He magnifies the office of an orator, and claims all good speaking, on whatever subject it may be, as coming within the sphere of oratory.***

10. **vero,** 'by all means.'

de schola: cp. Or. 15. 47 'declamatorem de ludo.' Antonius is ridiculing throughout the self-confident airs of the Greek declaimers.

13. **subtilitatem,** 'delicate precision,' = ἀκρίβειαν, here in the choice of words: in iii. 11. 42 in pronunciation. Cp. i. 5. 17 (note).

set, sive artificium sive studium dicendi, nisi accessit os, nullum potest esse, docebo vos, discipuli, id quod ipse non didici, quid
30 de omni genere sentiam.' Hic posteaquam adriserunt, 'res mihi videtur esse' inquit 'facultate praeclara, arte mediocris; ars enim earum rerum est, quae sciuntur; oratoris autem omnis actio opinionibus, non scientia, continetur; nam et apud eos dicimus, qui nesciunt, et ea dicimus, quae nescimus ipsi; itaque et illi alias aliud eisdem de rebus et sentiunt et iudicant et nos contrarias saepe causas dicimus, non modo ut Crassus contra me dicat aliquando aut ego contra Crassum, cum alterutri necesse sit falsum dicere, sed etiam ut uterque nostrum eadem de re alias aliud defendat, cum plus uno verum esse non possit. Ut igitur in eius modi re, quae mendacio nixa sit, quae ad scientiam non saepe perveniat, quae opiniones hominum et saepe errores
8 aucupetur, ita dicam, si causam putatis esse, cur audiatis.' 'Nos
31 vero et valde quidem' Catulus inquit 'putamus atque eo magis, quod nulla mihi ostentatione videris esse usurus; exorsus es enim non gloriose; magis a veritate, ut tu putas, quam a nescio

2. *id* om. B. incl. K: habent A Lagg. opt. 3. *genere* ABbγ: *genere dicendi* Ell. S. [*dicendi*] P. 13. *quae ad scientiam non saepe perveniat* incl. K. Ell.

1. **artificium,** in Cic. quite equivalent to *ars*: 'system;' **studium,** 'pursuit,' i. 21. 96.

os, i. 38. 175 (note).

2. **quod ipse non didici,** i. 48. 208.

quid sentiam, i. 21. 98.

4. **facultate,** 'in the capacity,' which it requires: so Arist. Rhet. i. 2 defines rhetoric as *δύναμις περὶ ἕκαστον τοῦ θεωρῆσαι τὸ ἐνδεχόμενον πιθανόν,* not as a *τέχνη*. Cp. the definition in i. 20. 92, and the discussion in i. §§ 102–109. Sorof well points out the ambiguity which arises from the twofold force of *ars.*

6. **actio oratoris,** 'the activity of the orator' = *πᾶσα πρᾶξις ῥήτορος.* There is no reason with Bake to alter the word.

continetur, 'is limited by,' or 'is restricted to.'

9. **contra me dicat:** Introd. p. 13.

10. **alterutri** appears to be the only form used in the dative, though *alterius utrius* is found in the genitive. Cp. Plin. Ep. vii. 20. 6, and Neue Formenl. ii². 257.

11. **alias aliud defendat:** instances of this were frequent enough in Cicero's own experience: among the most striking were his defence of Scamander, coupled with his subsequent defence of Cluentius, and his speeches for Gabinius and Vatinius, against whom he had delivered and published speeches previously. Cp. Quint. xi. 1. 73–4.

12. **ut . . . ita dicam,** 'I will speak with the limitations necessary in the case of a subject which,' etc.

13. **mendacio nixa sit:** cp. Plat. Phaedr. 260 E. *ἡ ῥητορικὴ ψεύδεται καὶ οὐκ ἔστι τέχνη, ἀλλ' ἄτεχνος τριβή.*

quae ad scientiam non saepe perveniat, bracketed by Ell. 'Cum latine dici non possint, nisi de eo qui scientiae cupidus est;' but *pervenire* is often enough used of things, both in its literal and in its applied meaning: hence there is no objection to the words, and they are really needed after 'actio opinionibus non scientia continetur.'

15. **aucupetur,** 'lays traps for.' Nägelsb. Stil. p. 392. The metaphor (from fowling) is very common in Cicero. Cp. Orat. 19. 63 'in eo ipso, quod delectationem aliquam dicendo aucupentur.'

18. **a veritate,** 'starting from the real facts of the case:' for this use of *veritas* cp. i. 17. 77 (note).

a nescio qua dignitate, 'from any supposed high value:' *a* is omitted here by the best Lagg. and A, but can hardly be spared. See p. 61 (note). Pid. explains

qua dignitate.' 'Ut igitur de ipso genere sum confessus,' inquit 32
Antonius 'artem esse non maximam, sic illud adfirmo, praecepta
posse quaedam dari peracuta ad pertractandos animos hominum
et ad excipiendas eorum voluntates. Huius rei scientiam si quis
volet magnam quandam artem esse dicere, non repugnabo;
etenim cum plerique temere ac nulla ratione causas in foro
dicant, non nulli autem propter exercitationem aut propter con-
suetudinem aliquam callidius id faciant, non est dubium quin, si
quis animadverterit, quid sit, qua re alii melius quam alii dicant,
id possit notare: ergo id qui toto in genere fecerit, is si non 33
plane artem, at quasi artem quandam invenerit. Atque utinam,
ut mihi illa videor videre in foro atque in causis, item nunc,
quem ad modum ea reperirentur, possem vobis exquirere! Sed
de me videro; nunc hoc propono, quod mihi persuasi, quamvis
ars non sit, tamen nihil esse perfecto oratore praeclarius; nam
ut usum dicendi omittam, qui in omni pacata et libera civitate

13. *exquirere*: codd. meliores omnes: legebatur *exponere*.

'excessive, so high or so indefinite that it cannot be more closely described.' I think this is to push the force of the expression too far.

1. **ut**, 'while:' cp. Lael. 4. 14 'ut nihil boni est in morte, sic certe nihil mali.'

de ipso genere, 'on the general question.' The force of *ars* still remains ambiguous; for, as Sorof notices, he has not asserted or attempted to make good his proposition at all as bearing on the theory of the art, but only on its practical side.

3. **ad pertractandos animos hominum**, 'for playing upon the feelings:' cp. i. 51. 222 'ita sensus mentisque hominum pertractat'—orator.

4. **ad excipiendas voluntates**: i. e. for the *captatio benevolentiae*: Introd. p. 54. The metaphor is again taken from hunting, *excipere* being the technical term used of the hunter who lies in wait for game driven out of thickets by the beaters: cp. Hor. Od. iii. 12. 10 'celer alto latitantem fruticeto excipere aprum,' with Orelli's note.

5. **magnam quandam**, 'a really important:' cp. i. 3. 12 (note).

6. **temere** = sine consilio, 'carelessly.' **nulla ratione**, 'with no method.' Cp. Ar. Rhet. i. 1 τῶν μὲν οὖν πολλῶν οἱ μὲν εἰκῇ ταῦτα δρῶσιν, οἱ δὲ διὰ συνήθειαν ἀπὸ ἕξεως· ἐπεὶ δὲ ἀμφοτέρως ἐνδέχεται, δῆλον ὅτι εἴη ἂν αὐτὰ καὶ ὁδοποιεῖν. δι' ὃ γὰρ ἐπιτυγχάνουσιν οἵ τε διὰ συνήθειαν καὶ οἱ ἀπὸ ταὐτομάτου, τὴν αἰτίαν θεωρεῖν ἐνδέχεται· τὸ δὲ τοιοῦτον ἤδη πάντες ὁμολογήσαιεν τέχνης ἔργον εἶναι. Cp. also i. 23. 109. Dr. Hugo Jentsch, 'De Aristotele Ciceronis in Rhetorica Auctore' (Guben, 1874), attempts to prove that Cicero's knowledge of Ars Rhetoric was limited to i. cc. 1–3, and iii. c. 8. He succeeds in showing many differences in their points of view, and conclusions; but divergence is not identical with ignorance.

10. **toto in genere**, 'over the whole subject' of rhetoric, not merely in some one of its subdivisions; notice how this differs from *de omni genere* in § 29.

12. **videor videre**: a play upon words of which Cicero is fond, e.g. de Fin. v. 2. 4 'Carneadis, quem videre videor.'

13. **reperirentur**, attracted into the tense of *possem* (Roby, § 1510), which is not only better supported than the old reading *possim*, but better in itself: it suits the modesty of the tone of Antonius to express his wish in the form which indicates that he regarded it as unattainable. Madvig § 361, obs. 1.

14. **de me videro**, 'I will look to myself hereafter,' a formula by which the consideration of a question is postponed for the time, cp. Roby, § 1593; Madvig, § 340, obs. 4.

dominatur, tanta oblectatio est in ipsa facultate dicendi, ut nihil hominum aut auribus aut mentibus iucundius percipi possit.
34 Qui enim cantus moderata oratione dulcior inveniri potest? quod carmen artificiosa verborum conclusione aptius? qui actor imitanda quam orator suscipienda veritate iucundior? quid autem subtilius quam crebrae acutaeque sententiae? quid admirabilius quam res splendore inlustrata verborum? quid plenius quam omni genere rerum cumulata oratio? neque ulla non propria oratoris res est, quae quidem ornate dici graviterque debet.
9 Huius est in dando consilio de maximis rebus cum dignitate
35 explicata sententia; eiusdem et languentis populi incitatio et effrenati moderatio; eadem facultate et fraus hominum ad perniciem et integritas ad salutem vocatur. Quis cohortari ad virtutem ardentius, quis a vitiis acrius revocare, quis vituperare

1. **dominatur**: cp. i. 8. 30. The thought expresses rather what Cicero held *ought* to be the case, than what experience proves to be true. Of recent English statesmen some have been as conspicuous for the absence of any great oratorical powers as others for their presence.

§ 34. Adler (Programm: Halle, 1868) justly calls attention to the exquisite balance and finish of this eulogium of oratory: 'laus, qua dicendi artem Antonius ornat, ipsa artificiosissima est.'

3. **moderata**, 'well-balanced,' in which due regard is paid to the rhythm and euphony of the successive clauses. Cp. Orat. 53. 178 'itaque et longiora et breviora iudicat [animus] et perfecta ac moderata semper expectat.' The old reading 'moderata [or -tae] orationis pronuntiatione,' expelled first by Ell., is evidently due only to an explanatory gloss on *oratione*, which here denotes the delivery of a speech. **cantus** = 'music.'

4. **artificiosa**, 'artistic.'

verborum conclusione 'period,' iii. 44. 174. Brut. 8. 33 'Ante hunc [Isocrates] enim verborum quasi structura et quaedam ad numerum conclusio nulla erat.'

aptius, 'more symmetrical,' 'well-rounded.' Cp. Or. 44. 149 'ut comprehensio [i. q. conclusio] numerose et apte cadat;' 50. 168 'genus illud tertium explicetur quale sit, numerosae et aptae orationis;' *numerosus* and *aptus* often go together so as to be almost synonymous.

5. **suscipienda veritate**, 'undertaking the charge of some case in real life:' the somewhat strained expression is due to the analogy of 'suscipere causam,' etc. Cp. iii. 17. 63, 'suscepit patrocinium voluptatis.'

6. [**est**] **subtilius**, 'gives more precision:' *subtilis* is often so coupled with *acutus*: e.g. § 96 'acutissimum et subtilissimum dicendi genus.'

sententiae, 'reflexions' = γνῶμαι: thus Euripides is called by Quintil. x. i. 68 'sententiis densus,' and we still speak of a 'sententious' writer.

7. **splendore**: Ernesti (Lex. Technol. s. v.) defines the three requisites of *splendor* to be '(1) claritas et perspicuitas, (2) dignitas ex ornatu et magnificentia, (3) munditiees elegantia et puritate delectans.' Cp. iii. 31. 125.

plenius, 'richer.'

9. **quae quidem**, 'provided that it:' in such restrictive clauses we find both the ind. and the conj.: cp. pro Mil. 1. 3 'reliqua vero multitudo, quae quidem est civium, tota nostra est,' pro Sest. 67. 140.

11. **sententia**, not in a technical sense, but simply 'opinion.' Cicero keeps in view here the three main genera of eloquence: (1) genus deliberativum, (*a*) in the senate, (*b*) in the contio; (2) g. iudiciale; (3) g. demonstrativum, which includes panegyrics, exhortations, censures, consolations, etc. Introd. p. 52. History was added by some, and Cicero inclines to agree with them (Or. 11. 37; 61. 207). Hence 'historia vero.'

13. **Quis . . . consolando?** Nägelsb. Stil. p. 472, quotes this as an example of a skilfully constructed period, with *chiasmus*

improbos asperius, quis laudare bonos ornatius, quis cupiditatem vehementius frangere accusando potest? quis maerorem levare mitius consolando? historia vero testis temporum, lux veritatis, 36
vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur? nam si qua est ars alia, quae verborum aut faciendorum aut legendorum scientiam profiteatur; aut si quisquam dicitur nisi orator formare orationem eamque variare et distinguere quasi quibusdam verborum sententiarumque insignibus; aut si via ulla nisi ab hac una arte traditur aut argumentorum aut sententiarum aut denique discriptionis atque ordinis, fateamur aut hoc, quod haec ars profiteatur, alienum esse aut cum alia aliqua arte esse commune: 37
sed si in hac una est ea ratio atque doctrina, non, si qui aliarum artium bene locuti sunt, eo minus id est huius unius proprium;

6. *verborum aut legendorum* ABbγ Lagg. 4. 32. *verborum aut faciendorum aut legendorum* KS.: *aut faciendorum aut deligendorum* P. (A). cum codicibus nonnullis. 13. *sed si* P (A). S. *at si* K. *et si* codd. (sed Abγ *communes. et*).

in the first two clauses, *anaphora* in the next two, and a mixed structure in the last two.

2. **accusando,** 'by inveighing against it:' cp. i 58. 246.

5. **nam** refers back to 'neque ulla non propria oratoris res est.' This is true because no other art shares the orator's skill either in the creation and choice of words. or in moulding and adorning his style. or in the production of proofs and general reflexions, or in the due arrangement of the various parts of his speech. The first two clauses deal with two aspects (a narrower and a more general one) of *elocutio*, the third with *inventio*, the fourth with *dispositio*.

6. **faciendorum,** 'coin:' so in iii. 37. 149 '(verba) quae novamus et facimus ipsi;' 38. 154; 42. 167: 'facere orationem,' as used in Pid.'s reff. here (i. 14. 63; iii. 48. 184) has a different sense: it is rather to finish or polish one's language

legendorum: so all the codd. mutili; and the use of *legere* = 'to choose' is quite Ciceronian: cp. iii. 37. 150, and de Fin. iv. 15. 40 'omnia. quae leget quaeque reiciet;' hence Pid. has no reason for accepting *deligendorum* from the inferior MSS.

7. **si quisquam**: Madvig, § 494 b.

8. **distinguere,** 'give it brilliancy:' by the *insignia*, 'gems,' a less usual term for the technical phrase 'lumina orationis:' hence the apologetic 'quasi quibusdam' = 'by what we may perhaps call.' The Greek term is σχήματα: hence *insignia* can hardly be a translation. Cp. Brut. 17. 69 'ornari orationem Graeci putant, si verborum immutationibus utuntur quos appellant τρόπους, et sententiarum orationisque formis. quae vocant σχήματα.' Or. 25. 83 'illam concinnitatem. quae verborum collocationem illuminat eis luminibus, quae Graeci quasi aliquos gestus orationis σχήματα appellant.' The σχήματα were divided into (1) the σχήματα λέξεως (lumina verborum); (2) σχήματα διανοίας (lumina sententiarum); (3) σχήματα τῶν ὑποθέσεων (lumina orationis). Cp. iii. 53. 202—54. 208, and Or. 39. 134-138.

9. **via,** 'method,' i. 4. 14.

10. **discriptionis,** not *descriptionis* as the MSS. have here, followed by Kayser (not by Pid. or Sorof): see note on i. 13. 58, and Bücheler, Rhein. Mus. xiii. 598.

12. **alienum esse,** 'belongs really to some other art.'

cum alia aliqua arte: Draeger, Hist. Synt.[1] i. p. 72, points out that while *alius quis* is more common in silver Latin, *alius aliquis* is alone found in Cicero, e.g. de Fin. ii. 33. 109, iv. 17. 46, etc.

13. **sed si . . . doctrina,** 'but if it belongs to this art alone to state principles and impart instruction in all this.'

ea ratio atque doctrina, 'the systematic teaching of all this:' cp. note on *hanc simılitudinem*, § 53.

si qui aliarum artium, 'any professor

sed ut orator de eis rebus, quae ceterarum artium sunt, si modo eas cognovit, ut heri Crassus dicebat, optime potest dicere, sic ceterarum artium homines ornatius illa sua dicunt, si quid ab hac
38 arte didicerunt, neque [enim] si de rusticis rebus agricola quispiam aut etiam, id quod multi, medicus de morbis aut si de pingendo pictor aliquis diserte scripserit aut dixerit, idcirco illius artis putanda est eloquentia; in qua quia vis magna est in hominum ingeniis, eo multi etiam sine doctrina aliquid omnium generum atque artium consequuntur; sed, quid cuiusque sit proprium, etsi ex eo iudicari potest, cum videris, quid quaeque doceat, tamen hoc certius esse nihil potest, quam quod omnes artes aliae sine eloquentia suum munus praestare possunt, orator sine ea nomen obtinere suum non potest; ut ceteri, si diserti sint, aliquid ab hoc habeant, hic, nisi domesticis se instruxerit
10 copiis, aliunde dicendi copiam petere non possit.' Tum Catulus
39 'etsi,' inquit 'Antoni, minime impediendus est interpellatione iste cursus orationis tuae, patiere tamen mihique ignosces; "non

2. *cognovit* Aby: vulgatum *cognorit* unus L. 4. 10. *quid quaeque doceat* corr. K: codd. *doceant*, nisi quod in Aby legitur *quidque*: unde mavult Adler *quid quique* (sc. artifices) *doceant*. 11. *quam quod omnes* codd.: *quod omnes* Madvig. (Advers. ii. 185).

of other branches of knowledge:' and below 'ceterarum artium homines:' cp. i. 27. 124.

non eo, 'it does not therefore follow that:' **idcirco** is more usual with this construction; but cp. § 47 and Nägelsb. p. 519.

2. **heri**: i, 14. 62 ff.

4. **de rusticis rebus**: i. 16. 69; **de morbis**, like Asclepiades, i. 14. 62.

agricola quispiam ... pictor aliquis: no distinction can be drawn between the use of these two pronouns: cp. Draeger, Hist. Synt. i. p. 79.

5. **id quod multi**, sc. fecerunt: cp. i. 59. 253 (note).

multi goes with *omnium generum atque artium*, and is like 'ceterarum artium homines.'

11. **certius**, 'a more convincing proof;' **hoc** (abl.) is explained by 'quam quod' etc., and is pleonastic: cp. i. 37. 169 (note). Hence it is needless with Madvig to reject 'quam.'

13. **ut ceteri**, not (as explained by Pid.[4]) dependent upon 'certius,' but as Adler rightly sees = 'so that.'

cc. 10–17. *After some compliments from Catullus and Crassus* (§§ 39–40) *Antonius proceeds to discuss the proper sphere of rhetoric. He excludes the usual genus demonstrativum, as needing no special precepts* (§§ 43–50); *and also history, the mention of which gives occasion for a rapid survey of the chief Greek historians* (§§ 51–58). *Caesar praises his knowledge of Greek literature, to which Antonius replies that it is confined to the historians and orators* (§§ 59–61). *He then goes on to show that no rules are given by the rhetoricians for writing history, nor for other branches of literary activity which require to be handled with eloquence* (§§ 61–64). *The same is the case with the discussion of abstract propositions, which some assign to the orator; but rules for these are really needless; any one who has mastered the more difficult problems of his art, will need no directions how to deal with the easier ones* (§§ 65–70). *He reasserts in reply to a doubt expressed by Catulus, that forensic oratory is really the most difficult of all* (§§ 71–73).

17. **cursus**, 'flow.'

non enim, etc. Trin. 705 'Nón enim possum quín exclamem euge, eúge, Lysitelés: πάλιν: fácile palmam habés: hic

enim possum, quin exclamem," ut ait ille in Trinummo: ita
oratoris mihi vim cum exprimere subtiliter visus es, tum laudare
copiosissime; quod quidem eloquentem vel optime facere oportet,
ut eloquentiam laudet; debet enim ad eam laudandam ipsam
illam adhibere, quam laudat. Sed perge porro; tibi enim ad-
sentior vestrum esse hoc totum diserte dicere, idque si quis in
alia arte faciat, eum adsumpto aliunde uti bono, non proprio nec
suo.' Et Crassus 'nox te' inquit 'nobis, Antoni, expolivit 40
hominemque reddidit; nam hesterno sermone unius cuiusdam
operis, ut ait Caecilius, remigem aliquem aut baiulum nobis
oratorem descripseras, inopem quendam humanitatis atque
inurbanum.' Tum Antonius 'heri enim' inquit 'hoc mihi
proposueram, ut, si te refellissem, hos abs te discipulos abdu-
cerem; nunc, Catulo audiente et Caesare, videor debere non
tam pugnare tecum quam quid ipse sentiam dicere. Sequitur 41
igitur, quoniam nobis est hic, de quo loquimur, in foro atque in

uictust: uícit tua comoédia.' Ritschl (N. Plaut. Exc. p. 112) has shown that Plautus probably wrote 'Noénum,' which he restores to the text; but he does not doubt that the corruption was earlier than Cicero's time. On the other hand we must restore 'noenum' in the fragment of Ennius quoted by Cic. de Sen. 4. 10 'noenum rumores ponebat ante salutem,' though the MSS. there all give 'non ponebat enim.'

1. **ille**: Stasimus, the speaker, not Plautus, which would be against Cicero's practice in quotations: cp. Kühner on Tusc. i. 14. 31.

2. **exprimere**, not so usual without 'verbis,' 'oratione,' or some such expression, but cp. ad Att. viii. 11. 11, Acad. ii. 77.

4. **ut . . . laudet**, as often, explanatory of *quod*: the infin. is sometimes used in the same way, e.g. de Off. iii. 32. 112 'quod cum audivisset filius adulescens, negotium exhiberi patri.'

7. **proprio** x communi: **suo** x alieno. Cp. i. 50. 217.

9. **hominemque reddidit** = humanumque reddidit: cp. ad Att. iv. 15. 2 'si vis homo esse;' ii. 2. 2 'si homo esset,' with Boot's note.

unius cuiusdam operis (sc. hominem) = 'operarium quendam:' i. 18. 83; 62. 263 (so Sorof). So in Brut. 73. 257, *operarii* and *baiuli* are contrasted with accomplished painters and sculptors. For **baiulus** cp. Gell. v. 3 'Protagoram . . . . adulescentem aiunt victus quaerendi gratia in mercedem missum vecturasque onerum corpore suo factitavisse, quod genus Graeci ἀχθοφόρους vocant, Latine baiulos appellamus.' Fest. s. v. 'baiulos dicebant antiqui, quos nunc dicimus operarios.' The origin of the word is quite obscure: to connect it with φέρω, *bear*, etc. as is done even by Lewis and Short, is to bid defiance to phonetic laws. Pott's notion (Et. Forsch. ii. 276) of connecting it with Skt. *vah* is not much better: and it must remain at present an unsolved problem (cp. Ascoli in Kuhn's Ztschr. xvii. 267.) For Statius Caecilius, according to some ancient critics, the best of all the Roman comic poets, often quoted by Cicero (e. g. Lael. 99, de Sen. 36, de Fin. i. 4), cp. Mommsen, ii. 441. The extant fragments are collected by Ribbeck, Com. pp. 35–81, who (p. 78) takes 'operis remex' together, as the whole extent of the quotation from Caecilius; with this I am inclined to agree, translating 'a galley slave in some óne mechanical task;' but it is possible that the words of Caecilius are merely 'remigem aliquem aut baiulum' and that 'unius cuiusdam operis,' are thrown in by way of explanation. Most editors regard 'operis remigem aliquem aut baiulum' as the quotation from Caecilius: translate then 'as a mere galley-slave or porter, who is always plying the same mechanical task.'

12. **enim**, 'Yes, for.' **heri**: i. 31. 138 ff.

oculis civium constituendus, ut videamus, quid ei negotii demus cuique eum muneri velimus esse praepositum; nam Crassus heri, cum vos, Catule et Caesar, non adessetis, posuit breviter in artis distributione idem, quod Graeci plerique posuerunt, neque sane quid ipse sentiret, sed quid ab illis diceretur, ostendit: duo prima genera quaestionum esse, in quibus eloquentia versaretur, unum
42 infinitum, alterum certum: infinitum mihi videbatur id dicere, in quo aliquid generatim quaereretur, hoc modo: expetendane esset eloquentia? expetendine honores? certum autem, in quo quid in personis et in constituta re et definita quaereretur; cuius modi sunt, quae in foro atque in civium causis disceptationibusque
43 versantur. Ea mihi videntur aut in lite oranda aut in consilio dando esse posita, nam illud tertium, quod et a Crasso tactum est et, ut audio, ille ipse Aristoteles, qui haec maxime inlustravit, adiunxit, etiamsi opus est, minus est tamen necessarium.' 'Quidnam?' inquit Catulus 'an laudationes? id enim video
11 poni genus tertium.' 'Ita,' inquit Antonius 'et in eo quidem
44 genere scio et me et omnis, qui adfuerunt, delectatos esse vehementer, cum a te est Popilia, mater vestra, laudata, cui

3. **posuit,** 'stated,' as in i. 15. 65; not as in § 2.

5. **prima genera,** 'main divisions:' abstract and concrete: cp. Introd. p. 56. The division was first made by Hermagoras: cp. Volkmann, Rhetorik, p. 21.

10. **in personis,** 'with reference to individuals:' cp. i. 32. 144 (note).

12. **oranda,** '*orare,* antiquos dixisse pro *agere* testimonio est, quod *oratores* dicti et causarum actores et qui rei publicae mandatas causas agebant,' Festus, p. 198 (Müller). The archaic use remains in this legal phrase: cp. de Off. iii. 10. 43 'litis orandae tempus.'

13. **illud tertium,** i. e. the *genus demonstrativum*: **tactum,** i. 31. 141.

14. **ut audio.** Antonius desires to keep up the impression of his ignorance of Greek literature. He admits (§ 61) having looked at some philosophical treatises, but not at any on rhetoric.

Aristoteles, Rhet. i. 3. 1 ἔστι δὲ τῆς ῥητορικῆς εἴδη τρία τὸν ἀριθμόν . . . ὥστε ἐξ ἀνάγκης ἂν εἴη τρία γένη τῶν λόγων τῶν ῥητορικῶν, συμβουλευτικὸν δικανικὸν ἐπιδεικτικόν. Cp. Introd. p. 52, and Cic. de Inv. i. 5. 7 'Aristoteles autem, qui huic arti plurima adiumenta atque ornamenta subministravit, tribus in generibus versari rhetoris officium putavit, demonstrativo, deliberativo, iudiciali.' On Cicero's relation to Aristotle Prantl (Gesch. der Logik, i. p. 512, note) writes: 'All the passages in which Cicero names the name of Aristotle are revolting from the audacity of the man, who, without any capacity whatever for understanding him, presumes to pass judgment either of praise or blame.'

15. **opus est,** 'of service:' cp. ad Fam. i. 9. 25 'legem curiatam consuli ferri opus esse, necesse non esse:' Cato apud Senec. Ep. 94, § 28 'Emas non quod opus est, sed quod necesse est:' cp. below, § 326. Antonius discusses this division briefly in §§ 341–349.

16. **video.** Catulus speaks as an accomplished Greek scholar.

17. **Ita,** 'yes,' the most usual way of expressing an affirmative: *sic* and *etiam* are used in the same way.

19. **Popilia:** Introd. p. 24. The custom of pronouncing funeral orations over eminent men was one of great antiquity at Rome. The first instance in which the honour of a *laudatio* was allowed to women was, according to Liv. v. 50. 7, in the case of those who had contributed their gold ornaments to make up the ransom paid to the Gauls. Cp. Plut. Camill. 8; de Mul. Virt. vii. p. 1. We have well-known

primum mulieri hunc honorem in nostra civitate tributum puto.
Sed non omnia, quaecumque loquimur, mihi videntur ad artem
et ad praecepta esse revocanda; ex eis enim fontibus, unde 45
omnia ornamenta dicendi sumuntur, licebit etiam laudationem
ornare neque illa elementa desiderare, quae ut nemo tradat, quis
est qui nesciat, quae sint in homine laudanda? positis enim eis
rebus, quas Crassus in illius orationis suae, quam contra con-
legam censor habuit, principio dixit: quae natura aut fortuna
darentur hominibus, in eis rebus se vinci posse animo aequo
pati; quae ipsi sibi homines parare possent, in eis rebus se
pati non posse vinci; qui laudabit quempiam, intelleget ex-
ponenda sibi esse fortunae bona; ea sunt generis, pecuniae, 46
propinquorum, amicorum, opum, valetudinis, formae, virium,
ingenii et ceterarum rerum, quae sunt aut corporis aut extraneae;
si habuerit, bene rebus eis usum; si non habuerit, sapienter
caruisse; si amiserit, moderate tulisse; deinde, quid sapienter
is, quem laudet, quid liberaliter, quid fortiter, quid iuste, quid
magnifice, quid pie, quid grate, quid humaniter, quid denique
cum aliqua virtute aut fecerit aut tulerit: haec et quae sunt
eius generis facile videbit, qui volet laudare; et qui vitu-
perare, contraria.' 'Cur igitur dubitas,' inquit Catulus, 'facere 47
hoc tertium genus, quoniam est in ratione rerum? non
enim, si est facilius, eo de numero quoque est excerpendum.'

6. *possit enim in rebus*: codd. mutili (A poss^{it}, eadem manu correctum) *positis enim iis rebus* SP. Ell. *posita enim in eis sunt rebus* K. 11. *pati vinci non posse* om. A. *pati non posse vinci* Lagg. 4, 13, 32, 36 γ. 15. *si habuerit*: ante haec verba lacunam frustra suspicatur fuisse K.

later examples in the speeches delivered by Julius Caesar over his aunt Julia, the widow of Marius, and his wife Cornelia, and by Augustus over his grandmother, Julia, the widow of M. Atius Balbus: there are numerous other instances, and fragments of two such *laudationes* are preserved in Orell. Inscript. 4859 and 4860.

5. **desiderare**, sc. *opus erit*, to be supplied from **licebit**: cp. i. 13. 59 (note); 58. 246: similarly in iii. 10. 38 'neque enim conamur docere . . . neque sperare [audemus],' etc. **elementa**, 'rules of the schools.'

quae ut nemo tradat, 'for even if no one teaches them.'

6. **positis enim eis rebus**, 'for if he lays down to start with those things: the reading here is very uncertain. A has poss^{it} (in litura), the *it* however in the same hand, the best Lagg. *possit* or *poscit*, the inferior ones *possitis*. Kayser reads *posita enim in eis sunt rebus*, and in l. 11 *itaque qui*.

7. **contra collegam**: Introd. p. 11.

15. **usum**, sc. esse dicet.

16. **deinde**, i.e. turning to the advantages which a man has won by his own exertions.

22. **est**: so all the best MSS.: *inest*, retained by Pid. and Sorof, looks much more like a correction. Ell. has quoted many examples of 'est' used as here, 'it lies in the nature of things;' i.e. because the character and circumstances of a man make it always easy to praise or blame him.

23. **eo**: cp. § 37.

'Quia nolo,' inquit, 'omnia, quae cadunt aliquando in oratorem,
quamvis exigua sint, ea sic tractare, quasi nihil possit dici sine
48 praeceptis suis; nam et testimonium saepe dicendum est ac non
numquam etiam adcuratius, ut mihi etiam necesse fuit in Sex.
Titium, seditiosum civem et turbulentum; explicavi in eo testi-
monio dicendo omnia consilia consulatus mei, quibus illi tribuno
plebis pro re publica restitissem, quaeque ab eo contra rem
publicam facta arbitrarer, exposui; diu retentus sum, multa
audivi, multa respondi. Num igitur placet, cum de eloquentia
praecipias, aliquid etiam de testimoniis dicendis quasi in arte
12 tradere?' 'Nihil sane' inquit Catulus 'necesse est.' 'Quid si,
49 quod saepe summis viris accidit, mandata sint exponenda aut
in senatu ab imperatore aut ad imperatorem aut ad regem aut
ad populum aliquem a senatu, num quia genere orationis in eius
modi causis adcuratiore est utendum, idcirco pars etiam haec
causarum numeranda videtur aut propriis praeceptis instruenda?'
'Minime vero,' inquit Catulus; 'non enim deerit homini diserto
in eius modi rebus facultas ex ceteris rebus et causis comparata.'
50 'Ergo item' inquit 'illa, quae saepe diserte agenda sunt et quae
ego paulo ante, cum eloquentiam laudarem, dixi oratoris esse,
neque habent suum locum ullum in divisione partium neque
certum praeceptorum genus et agenda sunt non minus diserte,
quam quae in lite dicuntur, obiurgatio, cohortatio, consolatio,
quorum nihil est, quod non summa dicendi ornamenta desideret;
sed ex artificio res istae praecepta non quaerunt.' 'Plane' inquit
51 Catulus 'adsentior.' 'Age vero,' inquit Antonius 'qualis oratoris

4. *mihi etiam necesse*: codd. mutili K: *mihi necesse* SP. Ell. 14. *eius modi causis* KS. cum Abγ Lagg. 32, 36: *huius modi causis* P. 23. *cohortatio*: post hoc verbum desunt duo folia in A.

3. **suis**, 'special' = *propriis* in § 49.

et testimonium, a slight anacoluthon: the natural sequence would have been *et mandata exponenda*: but the illustration of the first topic leads to a digression, so that the second is introduced in a new form. Cp. i. 49 214 (note).

5. **Titium**: Introd. p. 14.

10. **praecipias**: the indef. 'you,' which requires the subjunc.: Roby, §1544, 1546. Here however it is also required by the notion of 'indefinite frequency.'

12. **accidit.** Ell. shows by a large collection of instances that *accidit* by no means necessarily connotes the idea of misfortune, as has often been asserted.

13. **ab imperatore**: a general might request some friend in the senate to state before them the requirements of his army. This suits the general context, that even *summi viri* have to make speeches on special subjects without special knowledge.

ad imperatorem, 'to be conveyed to a general.'

20. **paulo ante**, § 35.

21. **neque** and **et** correspond: the second *neque* introduces a subordinate clause.

25. **artificio**, 'system,' as in § 29, and i. 32. 146.

26. **Age vero**, 'but further:' i. 8. 32 (note).

et quanti hominis in dicendo putas esse historiam scribere?' 'Si, ut Graeci scripserunt, summi,' inquit Catulus; 'si, ut nostri, nihil opus est oratore; satis est non esse mendacem.' 'Atqui, ne nostros contemnas,' inquit Antonius, 'Graeci quoque ipsi sic initio scriptitarunt, ut noster Cato, ut Pictor, ut Piso; erat enim 52
historia nihil aliud nisi annalium confectio, cuius rei memoriaeque publicae retinendae causa ab initio rerum Romanarum usque ad P. Mucium pontificem maximum res omnis singulorum annorum mandabat litteris pontifex maximus referebatque in album et proponebat tabulam domi, potestas ut esset populo cognoscendi, hique etiam nunc annales maximi nominantur: hanc simili- 53
tudinem scribendi multi secuti sunt, qui sine ullis ornamentis monumenta solum temporum, hominum, locorum gestarumque rerum reliquerunt; itaque qualis apud Graecos Pherecydes,

11. *hique* B, quod voluit K: dedit [*ei*] *qui*, quod vereor ut satis Latine dicatur; dederant tamen P S, neque hic quidem probat.

3. **Atqui,** a word well discussed by Fleckeisen, Crit. Misc. p. 25.

ne, '(and this I say) that you may not:' cp. Roby, § 1660, 1662.

5. **Cato**: Teuffel, § 109. **Pictor,** ib. § 105. Q. Fabius Pictor wrote in Greek, and was an earlier contemporary of Cato; but the Latin version of his work was later than Cato's Origines; hence the order in which the two are here mentioned. In de Leg. i. 2. 6, Cicero writes 'nam post annales pontificum maximorum, quibus nihil potest esse iniucundius [MSS. iucundius], si aut ad Fabium, aut ad eum, qui tibi semper in ore est, Catonem aut ad Pisonem aut ad Fannium aut ad Vennonium venias, quamquam ex his alius alio plus habet virium, tamen quid tam exile quam isti omnes?'

Piso, L. Calpurnius (consul with Scaevola, B.C. 133), Teuffel, § 128. 4. Cicero expresses a similar opinion of his writings in Brut. 27. 106 'isque et orationes scripsit, quae iam evanuerunt, et annales sane exiliter scriptos.' But Gellius, an admirer of the archaic style, writes very differently: cp. vii. 9. 1 'res perquam pure et venuste narrata a Pisone:' xi. 14. 1 'simplicissima suavitate et rei et orationis L. Piso Frugi usus est in primo annali.' The extant fragments of all these writers are collected in H. Peter 'Historicorum Romanum relliquiae' Vol. I (Leipzig, 1870), pp. 5–39 (cp. 109–110), 51–94, 118–137, and all that is known of them is fully discussed in his Prolegomena lxix–c, cxxvii–clxvii, clxxxviii–cci.

6. **nihil aliud nisi annalium confectio.** 'Sallust is the first cultivated historian of the Romans: all previous productions are either mere registers, or the materials are undigested, and there is a want of historical style.' Teuffel, Rom. Lit. § 31.

memoria, 'traditional account,' i. 2. 4.

8. **P. Mucium,** the consul of B.C. 133 (Introd. p. 21, note).

11. For the **annales maximi,** cp. Teuffel § 66; Lewis, Credibility of Early Roman History, cc. iv. and v.; Peter, Proleg. u. s.; Mommsen, i. 477 f. The account given by Servius on Verg. Aen. i. 377, is probably partly derived from this passage: 'ita annales conficiebantur, tabulam dealbatam quotannis pontifex maximus habuit, in qua praescriptis consulum nominibus et aliorum magistratuum digna memoratu notare consueverat, domi militiaeque, terra marique gesta, per singulos dies, cuius diligentiae annuos commentarios in octoginta libros veteres [i. e. probably P. Mucius] retulerunt, eosque a pontificibus maximos appellarunt.'

hanc similitudinem scribendi, 'a style of writing like this' = 'huic simile genus scribendi.' Cp. de Fin. v. 15. 42 'quam similitudinem videmus in bestiis' = 'cuius rei simile aliquid videmus:' de Nat. Deor. ii. 10. 27 'quam similitudinem cernere possumus in eis aquis:' Holden on de Off. i. 4. 14.

12. **ei qui,** by attraction, 'what are still called.' Roby, § 1068.

14. **Pherecydes, Hellanicus, Acu-**

Hellanicus, Acusilas fuit aliique permulti, talis noster Cato et Pictor et Piso, qui neque tenent, quibus rebus ornetur oratio—modo enim huc ista sunt importata—et, dum intellegatur quid
54 dicant, unam dicendi laudem putant esse brevitatem. Paulum se erexit et addidit maiorem historiae sonum vocis vir optimus, Crassi familiaris, Antipater; ceteri non exornatores rerum, sed
13 tantummodo narratores fuerunt.' 'Est,' inquit Catulus 'ut dicis; sed iste ipse Caelius neque distinxit historiam varietate colorum neque verborum conlocatione et tractu orationis leni et aequabili

5. *vocis* incl. Ell. K. 8. *colorum* K e coniect. Jacobsii, *locorum* codd.

silas: cp. Müller (Donaldson), Hist. of Greek Literature, i. 346–350. Acusilas or Acusilaus of Argos was the earliest, but the least important of the three. There is no positive evidence to show whether the name of the second is Hellanīcus (for Ἑλλανόνικος) or Hellanĭcus (i.e. Ἑλλάνικος for Ἑλληνικός with the accent thrown back according to the Aeolic tendency): the former view is maintained by Lobeck on Phrynichus, p. 670, and Dindorf, Steph. Thes. s. v. and adopted by Dr. Schmitz in the Dict. Biog.: the latter by Donaldson, l. c. iii. p. 446.

2. **tenent**, 'understand:' cp. pro Mur. 9. 22 'ille tenet et scit ut hostium copiae, tu ut aquae pluviae arceantur.'

3. **modo**; cp. iii. 51. 198 (of the introduction of the period): in § 121 this service is ascribed to Crassus.

huc, i. e. into Rome.

5. **sonum vocis**, 'tone:' history is personified as above in § 36: we might say 'made history speak with a richer tone.'

6. **familiaris**: cp. Brut. 26. 102 'L. Caelius Antipater scriptor . . . fuit ut temporibus illis luculentus, iuris valde peritus, multorum etiam, ut L. Crassi, magister.'

Antipater: Teuffel, § 132, 4: Peter, Hist. Rom. Rell. pp. 147–164, with Proleg. ccxiii–ccxxxvii. Sieglin, Fragm. Cael. Ant. (Leipzig, 1880): cp. de Leg. l. c. 'Fannii aetate coniunctus Antipater paulo inflavit vehementius habuitque vires agrestis ille quidem et horridas, sine nitore ac palaestra.'

8. **varietate colorum**: the MSS. all give *locorum*, which was suspected first by Ernesti: 'interdum suspicatus sum *rerum*, quia opponitur *verborum collocatio* et *tractus orationis*, etc. tum paulo post de Thucydide sunt *res* et *verba*.' Jacobs suggested *colorum*, which has been adopted by Kayser, Pid., Sorof, and some earlier editors. This is strongly supported by some parallel passages: cp. ad Her. iv. 11. 16 'exornationes si rarae disponentur, distinctam sicuti coloribus—reddent orationem,' and Or. 19. 65 (of the epideictic style) 'verba altius transferunt eaque ita disponunt ut pictores varietatem colorum.' Of course *color* is in these passages (as in iii. 25. 95; 52. 199) used in its ordinary sense, though applied figuratively: it has a special technical sense in some writers on rhetoric, for which cp. Volkmann, Rhet. p. 78 note, Ernesti, Lex. Techn. s. v. χρῶμα. I do not think it impossible (with Ellendt) to defend *locorum* here, in the sense of 'general reflexions:' cp. i. 13. 56 (note): for these *loci communes* are almost identical with the *sententiae*, which are *lumina orationis* very proper to history, and indeed demanded by Antonius in § 63. But the correction is an easy one (cp. above, § 2, note), and it is hard to resist the force of the parallel passages. Besides it is perhaps more natural here that Caelius should be charged with a want of variety in style, rather than with deficient sententiousness, though Cicero in Brut. 93. 322 does complain of the lack of orators in his youth 'qui dilatare posset, atque a propria ac definita disputatione hominis ac temporis ad communem quaestionem universi generis orationem traducere.' Kühner rejects the reading *colorum*, on the ground that the style is not discussed until the following clause, but this begs the question. With the reading in the text we may translate: 'But even your friend Caelius himself did not set off history by any variety of colouring, nor did he give polish to that work of his by the arrangement of his words and by the smooth and regular flow of his style.'

perpolivit illud opus; sed ut homo neque doctus neque maxime
aptus ad dicendum, sicut potuit, dolavit; vicit tamen, ut dicis,
superiores.' 'Minime mirum,' inquit Antonius 'si ista res adhuc 55
nostra lingua inlustrata non est; nemo enim studet eloquentiae
nostrorum hominum, nisi ut in causis atque in foro eluceat; apud
Graecos autem eloquentissimi homines remoti a causis forensibus
cum ad ceteras res inlustris tum ad historiam scribendam maxime
se applicaverunt: namque et Herodotum illum, qui princeps genus
hoc ornavit, in causis nihil omnino versatum esse accepimus;
atqui tanta est eloquentia, ut me quidem, quantum ego Graece
scripta intellegere possum, magno opere delectet; et post illum 56
Thucydides omnis dicendi artificio mea sententia [facile] vicit;
qui ita creber est rerum frequentia, ut verborum prope numerum
sententiarum numero consequatur, ita porro verbis est aptus et
pressus, ut nescias, utrum res oratione an verba sententiis in-

1. *maxime* om. K cum Bγ. 10. *ego Graece scripta* incl. K post Bakium. 12. *facile* incl. K cum B.

1. **ut homo,** 'as a man would, who was,' § 2.

2. **dolavit,** 'rough-hewed.'

3. **ista res,** i. e. history.

4. **illustrata,** 'embellished,' i. e. written in an elegant style. The word is used more frequently with the force of 'elucidate:' e. g. Acad. i. 1. 3 'philosophiamque veterem illam a Socrate ortam Latinis litteris illustrare.'

5. **in causis atque in foro**: virtually a hendiadys, as in § 33.

8. **princeps ornavit.** The 'logographers' before the time of Herodotus had by no means shaken themselves free from the clumsiness which marked the earliest attempts at prose composition. Herodotus, though selected by Aristotle (Rhet. iii. 9. 2) as his type of the jointed style (λέξις εἰρομένη), is not without some approach to the more finished periodic structure of later writers. His relation to his predecessors in the matter of style is very well discussed by Mr. Woods in the Introduction to his edition of Book I (pp. xxvii–xxxii). Cp. also Mure, Hist. Gr. Lit. iv. 513; Müller and Donaldson, i. 362; Mahaffy, ii. 31. *Princeps* here 'first' in time, as in Caes. B. C. i. 76 'princeps in haec verba iuret,' not as often of rank or position.

12. **Thucydides**: cp. Brut. 7. 29 'Huic aetati suppares Alcibiades, Critias, Theramenes: quibus temporibus quod dicendi genus viguerit ex Thucydidi scriptis, qui ipse tum fuit, intellegi maxime potest. Grandes erant verbis, crebri sententiis, compressione rerum breves, et ob eam ipsam causam subobscuri.' In Brut. 83. 287–8, Cicero compares the style of Thucydides to fiery old wine, and says that it is not to be imitated by the orator.

14. **aptus,** not as Müll. and Ern. 'compressed,' which is not justified either by the derivation of the word or by its usage, but 'exact:' cp. iii. 55. 210 'quid aptum sit, hoc est quid maxime decens in oratione.' From 'apere,' to fit, comes the participle *aptus*, 'fitted;' hence 'close-fitting.' Cp. Brut. 39. 145 'verbis erat [Scaevola] ad rem cum summa brevitate mirabiliter aptus.'

15. **pressus,** 'precise:' this word is often used with the force of 'concise,' as in § 96, and Quint. xii. 10. 18 'cum Attici pressi et integri, contra Asiani inflati et inanes haberentur.' But the other meaning is also found, and here suits the context better. On the other hand 'praecise' always means 'concisely,' not 'exactly.' Cp. de Fin. iv. 10. 24 'mihi placet agi subtilius et pressius:' Tusc. iv. 7. 14 'definiunt pressius' (with Kühner's note). In Acad. ii. 9. 29, and 34. 109, Mr. Reid translates 'pressius' 'trenchantly.' Cp. Cic. Hortens. frag. 46 (Baiter) 'pressum. Subtile. M. Tullius in Hortensio: quis te aut est aut fuit un-

lustrentur: atqui ne hunc quidem, quamquam est in re publica versatus, ex numero accepimus eorum, qui causas dictitarunt; et hos ipsos libros tum scripsisse dicitur, cum a re publica remotus atque, id quod optimo cuique Athenis accidere solitum est, in exsilium pulsus esset; hunc consecutus est Syrācosius Philistus,
57 qui, cum Dionysii tyranni familiarissimus esset, otium suum consumpsit in historia scribenda maximeque Thucydidem est, sicut mihi videtur, imitatus. Postea vero ex clarissima quasi rhetorum officina duo praestantes ingenio, Theopompus et Ephorus ab Isocrate magistro impulsi se ad historiam contulerunt; causas

2. *dictitarunt* PS, cum B. *dictitarent* Lag. 36 cum plurimis aliis, K. 3. *hos ipsos libros* KS, Bb, *hos libros* P. Ell. 8. *ex clarissima quasi rhetorum officina* KS cum Bb: *quasi ex clarissima rhetoris officina* P. 9. *ab Isocrate magistro impulsi*, incl. K.

quam in partiundis rebus, in definiendis, in explicandis pressior,' Nonius, p. 364. 22. Kühner renders here 'so treffend ferner in Ausdrucke und genau.'

2. **dictitarunt**: so Pid. and Sorof, with the older MSS. Kayser *dictitarent*, with the inferior MSS. The subj. cannot be said to be required here; for the relative clause 'by a periphrasis describes and specifies the idea concerning which the statement is made, so that the relative proposition supplies the place of a simple name:' here 'eorum qui causas dictitarunt' = 'of forensic speakers.' Cp. Madv. § 362 a.

4. **atque,** 'and in fact.'

optimo cuique, e.g. Miltiades, Aristides, Themistocles, Cimon. For the justice of this assertion cp. Grote's remarks upon the action of ostracism: Vol. iii. 129 (ed. 1862).

5. **exsilium**: the *xs* is justified by the etymology of the word, but on the Mon. Ancyr. we find *exilium* (i. 10), and no rule can be laid down for the orthography. Here Ell. notes '*s* non habent Lgg. praeter 93, qui ita corr.' Reid on pro Arch. p. 72, says 'Usage in these words probably varied, but the form *exs-* preponderated,' which is more accurate than Roby, § 112. Cp. Brambach, Neugest. d. Lat. Orth. pp. 278-280.

Syracosius: Lg. 5. 16. 86 'quod probandum videretur si firmiores testes haberet.' Ell. We have this form in A at iii. 34, 139, and it is found also in de Off. i. 44. 155; therefore we need not hesitate to adopt it. The usual Latin form is *Syracūsanus*: the only other instance of *Syracusius* seems to be in Tusc. v. 35. 100, where the MSS. are by no means at one in giving it. Of course *Syrăcūsius* is not possible in dactylic verse; cp. Verg. Ecl. vi. 1.

Philistus, born about B.C. 430, exiled in B.C. 386 by the elder Dionysius, although he was his devoted partisan and had helped him to secure the throne, and recalled by the younger Dionysius. He began when in exile in Epirus a history entitled τὰ Σικελικά, which after his return he carried down to B.C. 362. Cp. Cic. ad Quint. Fr. ii. 13. 4 'Siculus ille capitalis [i. e. Philistus] creber, acutus, brevis, paene pusillus Thucydides.' Quint. x. 1. 14 'Philistus quoque meretur, qui turbae quamvis bonorum post eos [sc. Herodotus, Thucydides, Theopompus] auctorum eximatur, imitator Thucydidi et ut multo infirmior, ita aliquatenus lucidior.' Cp. Mure, v. 503-509; Mahaffy, ii. 431-433; Müller, Fragm. Hist. Gr. i. 185-192.

8. **quasi** apologises for the expression **officina,** 'factory' (= opificina).

9. **Theopompus** of Chios: Mure, v. 509-529. E. Curtius, Hist, of Greece, v. 176 ['in his style he shared the clearness and dignity of his teacher']; Mahaffy, ii. 434-437. He wrote two great works, the Ἑλληνικά in 12 books. from the close of the history of Thucydides to the battle of Knidos in 394, and the Φιλιππικά in 58 books. Although he never wrote court speeches, probably as being a man of independent means, he was distinguished for his epideictic rhetoric. Müller, i. 278-333.

Ephorus of Cyme 'was not so brilliantly endowed by nature' (Curt. v. 178), 'but his power of endurance and his qualifications for learned research were proportionately greater.' He wrote a

omnino numquam attigerunt. Denique etiam a philosophia **14**
profectus princeps Xenophon, Socraticus ille, post ab Aristotele **58**
Callisthenes, comes Alexandri, scripsit historiam, et is quidem
rhetorico paene more; ille autem superior leniore quodam sono
est usus, et qui illum impetum oratoris non habeat, vehemens
fortasse minus, sed aliquanto tamen est, ut mihi quidem videtur,
dulcior. Minimus natu horum omnium Timaeus, quantum autem
iudicare possum, longe eruditissimus et rerum copia et senten-
tiarum varietate abundantissimus et ipsa compositione verborum
non impolitus magnam eloquentiam ad scribendum attulit, sed
nullum usum forensem.' Haec cum ille dixisset, 'quid est,' **59**
inquit 'Catule?' Caesar; 'ubi sunt, qui Antonium Graece negant

Universal History (ἱστορίαι) from the return of the Herakleidae to the capture of Perinthus in B.C. 340, in 30 books. Mure, v. 529–540. Müller, i. 234–277.

1. **Denique**, 'finally.' Cicero had intended to close with the mention of Xenophon: Timaeus is an after-thought. Cp. however Munro on Lucret. i. 17. **A philosophia profectus** virtually goes with both Xenophon and Callisthenes: 'there is, proceeding from philosophy, first X.'

2. **ab Aristotele**, 'a pupil of Aristotle:' cp. § 160, and de Off. iii. 33. 116 'atqui ab Aristippo Cyrenaici atque Annicerii,' with Holden's note. The construction is an imitation of the Greek *οἱ ἀπὸ Πλάτωνος*. Callisthenes of Olynthus, born about B.C. 360, was adopted and educated by Aristotle, joined Alexander in Asia, and was put to death by him in B.C. 328, on a charge of conspiracy. His fate excited great indignation and sympathy in Greece. His historical works were (1) Hellenica in ten books, from the peace of Antalcidas to the occupation of the temple at Delphi by the Phocians (B.C. 387–357); (2) a History of the Sacred War in continuation of the former work; (3) an unfinished History of Alexander. The extant fragments collected by Müller (Script. Alex. M. p. 7) do not enable us to judge of his style. Aristotle is quoted by Plutarch (Alex. 54) as calling him powerfully eloquent in speech: Longinus and Timaeus accuse him of bombast, and this is certainly true of the passages quoted from his History of Alexander. Cp. Mure, v. 553–568.

4. **leniore quodam sono ... dulcior**: of Xenophon Suidas says, *Ἀττικὴ μέλιττα ἐπωνομάζετο*: Diogenes Laert. ii. 57 *ἐκαλεῖτο δὲ καὶ Ἀττικὴ Μοῦσα γλυκύτητι τῆς ἑρμηνείας*: Cic. Or. 19. 62 'Xenophontis voce Musas quasi locutas ferunt:' 9. 32 'cuius sermo est ille quidem melle dulcior, sed a forensi strepitu remotissimus.' Mure writes (v. 261), 'His style indeed, in the proper sense, has been universally and justly admired for graces of no ordinary character; for an easy, elegant simplicity, and harmonious flow of expression, for perspicuity of sense, and purity of Attic idiom. These however are pleasing and attractive, rather than striking or brilliant qualities.' For criticisms on his Attic purity, cp. Cobet, Nov. Lect. *passim*, esp. pp. 388 ff. 722 f., and Shilleto on Thuc. i. 43. 2 ('he frequently departs from his country's usage'). The peculiarities of the style of the *Anabasis* are collected by Mr. Pretor (Anab. ii. pp. 7–11), partly on the authority of Shilleto.

7. **Timaeus** of Tauromenium, born about 352, died about 256. He was banished from Sicily by Agathocles, probably in 310, and lived for more than fifty years at Athens. He wrote the history of Sicily from the earliest times down to 264, at which date Polybius commences his work. Polybius finds great fault with his method of writing history, and pronounces him quite unfit for the task he had undertaken. His most serious charge, that Timaeus had no practical knowledge of war or politics, and drew his knowledge from books alone, seems to have been well-grounded, and is not inconsistent with Cicero's judgment here. Cp. Müller, vol. i. pp. 193–233.

11. **quid est?** 'What do you say to this?'

12. **Graece**: the adverb is generally used not only with *loqui*, but also with *scire* (§ 265), *nescire* (Brut. 37. 140), *docere*

scire? quot historicos nominavit! quam scienter, quam proprie
de uno quoque dixit!' | 'Id mehercule' inquit Catulus 'admirans
illud iam mirari desino, quod multo magis ante mirabar, hunc,
cum haec nesciret, in dicendo posse tantum.' 'Atqui, Catule,'
inquit Antonius 'non ego utilitatem aliquam ad dicendum au-
cupans horum libros et non nullos alios, sed delectationis causa,
60 cum est otium, legere soleo. Quid ergo? est, fatebor, aliquid
tamen; ut, cum in sole ambulem, etiamsi ego ob aliud ambulem,
fieri natura tamen, ut colorer, sic, cum istos libros ad Misenum—
nam Romae vix licet—studiosius legerim, sentio illorum tactu
orationem meam quasi colorari. Sed ne latius hoc vobis patere
videatur, haec dumtaxat in Graecis intellego, quae ipsi, qui
61 scripserunt, voluerunt volgo intellegi: in philosophos vestros si
quando incidi, deceptus indicibus librorum, qui sunt fere inscripti

8. *ob aliud* Ell. KP: B Lagg. 36: *ob aliam causam S.* 10. *tactu* codices quattuor non optimae notae: *cantu* ceteri: desunt nobis codices mutili. 11. *sed ne latius*, his verbis incipiunt Lg. 2, 4, 13, 32 γ. si fidendum est Ellendtio. 13. *scripserunt*: codicis A. incipit folium quartum:—[serunt.

(Plin. Ep. vii. 4. 9) etc.: not however with *reddere*.

1. **quam proprie,** etc. 'how well he has expressed the characteristic of each.'

7. **Quid ergo?** This phrase is rarely, if ever, used without a second question following, which suggests a view which is to be refuted: e.g. de Off. iii. 18. 73 'quid ergo? satin est hoc ut non deliquisse videantur? mihi quidem non videtur.' Hence there is much plausibility in Sorof's suggestion that a second question must have dropped out here. The old punctuation 'quid ergo est?' will not stand, for this could only be rendered 'what do I mean then?' The only rendering of the text which suits the context is 'what do I gain then?' which the words will hardly bear.

8. **tamen,** 'after all.'

9. **fieri,** governed by 'sentio,' as *necesse esse* is by 'arbitror' in § 69. Bake corrects (?) *fit*, because he holds that no one can *feel* himself growing sunburnt. We need not reply with Ell. 'multi sentiunt, opinor:' but still less need we correct so slight a zeugma.

ad Misenum. Antonius had a villa here, which afterwards belonged to his grandson the triumvir (Phil. ii. 19. 48; ad Att. x. 8; xiv. 20). It was probably while she was staying here that the orator's daughter was carried off by pirates (de Imp. Cn. Pomp. 12. 33, with Halm's note). There was another and a more famous villa at Misenum, which belonged first to C. Marius, afterwards to Lucullus, and then to the emperor Tiberius, who died there (Tac. Ann. vi. 50).

10. **tactu.** There can be hardly any doubt that this is the right reading, though it has very slight MS. authority; the great majority of the MSS. have *cantu*, which Ell. endeavours to defend as said 'nove quidem sed eleganter' for the tone and rhythm of style, as in Or. 18. 57 'est autem etiam in dicendo quidam cantus obscurior;' but the whole context shows that this is said only with reference to delivery. *Tactus* = 'influence,' as in de Nat. Deor. ii. 15. 40 'is solis tactus est, non ut tepefaciat solum, sed etiam comburat,' de Div. ii. 46. 97 'ex quo intellegitur, plus terrarum situs quam lunae tactus ad nascendum valere' (where the reading *tactus* is certainly better than the v. l. *tractus*, given by Moser: in the former passage there is no doubt about the reading).

12. **dumtaxat,** i. 58. 249 (note), 'merely.'

13. **vestros.** Catulus and Caesar being both attached to Greek literature, iii. 49. 187; cp. 'Aristoteles, Catule, vester' iii. 47. 182. See note on i. 35. 160, but notice Munro's defence of *vester* = *tuus*, in Catullus; 'Elucidations,' p. 216.

14. **indicibus,** 'titles:' not quite so common as 'titulus' or 'inscriptio:' but

de rebus notis et inlustribus, de virtute, de iustitia, de honestate,
de voluptate, verbum prorsus nullum intellego; ita sunt angustis
et concisis disputationibus inligati; poëtas omnino quasi alia
quadam lingua locutos non conor attingere. Cum his me, ut
dixi, oblecto, qui res gestas aut orationes scripserunt suas aut
qui ita loquuntur, ut videantur voluisse esse nobis, qui non sumus
eruditissimi, familiares. Sed illuc redeo: videtisne, quantum **15**
munus sit oratoris historia? haud scio an flumine orationis et 62
varietate maximum; neque eam reperio usquam separatim in-
structam rhetorum praeceptis; sita sunt enim ante oculos. Nam
quis nescit primam esse historiae legem, ne quid falsi dicere
audeat? deinde ne quid veri non audeat? ne quae suspicio
gratiae sit in scribendo? ne quae simultatis? Haec scilicet fun- 63
damenta nota sunt omnibus, ipsa autem exaedificatio posita est
in rebus et verbis: rerum ratio ordinem temporum desiderat,
regionum descriptionem; volt etiam, quoniam in rebus magnis

3. *concisis*: codd. mut. *longis*. 6. *loquuntur*: *locuntur* Lagg. 2, 32, 36: A (ut solet) *loquontur*. 7. *eruditissimi*: codd. mut. *prudentissimi*. 16. *quoniam*: A *quod tamen*.

cp. Suet. Cal. 49 'alteri (libello) Gladius, alteri Pugio index erat.'

3. **concisis.** The codd. mutili have *longis*, which probably arose from a misunderstanding of the contraction *concis.* Perhaps there was also an unseasonable recollection of the verbosity of much philosophical writing. But the Stoics, and especially Chrysippus, with all their wordiness were noted for the obscure brevity of their style. Cp. below, § 159.

illigati, 'entangled.'

alia quadam, 'a quite different.'

4. **Cum his,** 'in the companionship of these.'

5. **oblecto**: (so 'oblectatio,' in i. 26. 118), 'amuse;' not so strong as 'delecto.'

suas, emphatic from its position, 'which they have themselves delivered.'

7. **familiares,** 'accessible.'

illuc, 'to my point,' viz. that rules are not to be laid down for all forms of literature which call for rhetorical skill.

videtisne, 'do you not see?' *-ne* in this phrase is virtually equivalent to *nonne*, as often in Plautus and Terence, who do not use the fuller form. Cp. Kühner, ii. 1002, and Reid on de Sen. 10. 31 'videtisne ut apud Homerum saepissime Nestor de virtutibus suis praedicet?'

9. **neque**: § 19 (note).

12. **suspicio,** one of the very few words in which it is possible to doubt whether the form with *c* or *t* is the more correct. The weighty authorities of the Cod. Ambros. in Plautus and the Cod. Bemb. in Terence are for *suspitio*, but their evidence is weakened by the fact that they also give the erroneous *conditio*: the Medicean in Tac. Ann. iv. 10. 67; vi. 47 and elsewhere has *t*, but this MS. is not very trustworthy on such points. Fleckeisen (Fünfzig Art. p. 30) and (formerly) Brambach defend the *t*: Corssen stoutly opposes it (ii. 359–360): Brambach now (Hülfsbüchlein, p. 62) inclines to believe in the existence of two independent formations, one direct from the stem *spic* (with Corssen), the other from the supine stem *spic-t*. Cp. Haupt in Hermes iv. 147. Here A has *suspicio*, and Ell. notes no variant in any of the MSS.

15. **rerum ratio,** 'the character of the subject matter.'

16. **quoniam . . . . expectentur**: so Sorof and Pid. The better MSS. have 'quod tamen,' which seems to have arisen from misunderstanding *quoniam* as a contraction: *tamen* is of course quite out of place. If we retain the subj. with the best MSS. it is to be explained as attracted into the thought reported: it 'requires, since (as it holds).' Cp. Kühner, ii. 916.

memoriaque dignis consilia primum, deinde acta, postea eventus exspectentur, et de consiliis significari quid scriptor probet et in rebus gestis declarari non solum quid actum aut dictum sit, sed etiam quo modo, et cum de eventu dicatur, ut causae explicentur omnes vel casus vel sapientiae vel temeritatis hominumque ipsorum non solum res gestae, sed etiam, qui fama ac nomine excellant,
64 de cuiusque vita atque natura; verborum autem ratio et genus orationis fusum atque tractum et cum lenitate quadam aequabili profluens sine hac iudiciali asperitate et sine sententiarum forensibus aculeis persequendum est. Harum tot tantarumque rerum videtisne nulla esse praecepta, quae in artibus rhetorum reperiantur? in eodem silentio multa alia oratorum officia iacuerunt, cohortationes, praecepta, consolationes, admonita, quae tractanda sunt omnia disertissime, sed locum suum in his artibus,
65 quae traditae sunt, habent nullum. Atque in hoc genere illa quoque est infinita silva, quod oratori plerique, ut etiam Crassus ostendit, duo genera ad dicendum dederunt: unum de certa

8. *aequabili*: Abγ *aequabiliter*. 11. *nulla* Abγ, etc. S. *ulla* KP. 13. *cohortationes, consolationes. praecepta, admonita*: ABbγ *cohortationes praecepta consolationis admonita*: incl. K.

Ell. retains 'expectantur' from the older editions, Mr. Roby too thinks that the ind. is necessary here; but I doubt it. Lambinus read 'quod.'

4. **eventus,** 'the results.'

5. **vel casus,** etc. genitives of definition: 'residing either in chance,' etc. Cp. Caes. de Bell. Civ. iii. 72 'parvulae causae vel falsae suspicionis vel terroris repentini vel obiectae religionis magna detrimenta intulerunt' (quoted by Roby, § 1302 and Nägelsb Stil. p. 275).

8. **fusum atque tractum,** 'easy and flowing.' Cp. § 159. and Or. 20. 66 'historia in qua et narratur ornate et regio saepe aut pugna describitur, interponuntur etiam contiones et hortationes: sed in his tracta quaedam et fluens expetitur, non haec contorta et acris oratio.'

9. **sine hac,** etc. virtually an adjectival expression, like Tusc. D. i. 22. 51 'haec refutent isti, qui negant animum sine corpore ('an immaterial soul') se intellegere posse.' Cp. note on § 10, and Acad. i. 7. 27 'sine ulla specie . . . materiam quandam,' 'an absolutely formless kind of matter.' **hac** = which we use.

sine sententiarum forensibus aculeis: we might say 'without the barbed shafts of epigrams in use at the bar.' History written in the style of Tacitus certainly does not avoid these *aculei*, the pointed sayings which are meant to stick in the mind of the judges. Cp. Or. 19. 62 'horum (sc. philosophorum) oratio neque nervos, neque aculeos oratorios ac forensis habet;' and below iii. 21. 80; 34. 138.

11. **nulla,** with the *codd. mutili*: not *ulla*, the reading of the older editors: '**videtisne**' has the force pointed out in § 62.

12. **iacuerunt,** 'have been left neglected.'

13. **praecepta, admonita**; good instances of the way in which past participles are often made to do duty as abstract substantives. Cp. Nägelsb. p. 87. There seems to be no other instance of 'admonita' = 'admonitio.'

15. **in hoc genere,** 'under this head.' viz. of various styles for which no special rules are laid down. The sentence is carelessly constructed: a reference in passing to the two kinds of questions is expanded until Cicero seems to lose sight of the purpose for which he intended to allude to the division, viz. to point out how one of the two kinds of subjects fall wholly under this head.

16. **silva** = ὕλη, 'material.'

Crassus ostendit: i. 31. 138 ff.

definitaque causa, quales sunt, quae in litibus, quae in deliberationibus versantur, addat, si quis volet, etiam laudationes; alterum, quod appellant omnes fere scriptores, explicat nemo, infinitam generis sine tempore et sine persona quaestionem—hoc quid et quantum sit, cum dicunt, intellegere mihi non
videntur: si enim est oratoris, quaecumque res infinite posita 66
sit, de ea posse dicere, dicendum erit ei, quanta sit solis magnitudo, quae forma terrae; de mathematicis, de musicis rebus non poterit quin dicat hoc onere suscepto recusare; denique ei, qui profitetur esse suum non solum de eis controversiis, quae temporibus et personis notatae sunt, hoc est, de omnibus forensibus, sed etiam de generum infinitis quaestionibus dicere, nullum
potest esse genus orationis, quod sit exceptum—sed si illam 16
quoque partem quaestionum oratori volumus adiungere vagam 67
et liberam et late patentem, ut de rebus bonis aut malis, expetendis aut fugiendis, honestis aut turpibus, utilibus aut inutilibus, de virtute, de iustitia, de continentia, de prudentia, de magnitudine animi, de liberalitate, de pietate, de amicitia, de officio, de fide, de ceteris virtutibus contrariisque vitiis dicendum oratori putemus; itemque de re publica, de imperio, de re militari, de disciplina civitatis, de hominum moribus, adsumamus eam quoque partem, sed ita, ut sit circumscripta modicis regionibus.
Equidem omnia, quae pertinent ad usum civium, morem hominum, 68
quae versantur in consuetudine vitae, in ratione rei publicae, in

9. **quin dicat,** depending upon 'recusare.' It is less common to find 'quin' depending upon an omitted 'facere,' as in § 39. There are other instances in Plautus (e.g. Stich. 302), but I have not found any in Cicero. Cp. Kühner, ii. 833.

11. **notatae,** undoubtedly the right reading, is due to a conjecture of Manutius: all MSS. have *notae*, by a very common error. Cp. Drakenborch on Liv. xxii. 37. 9; xxiv. 48. 7. Cp. de Or. Part. 18. 61 'duo sunt quaestionum genera, quorum alterum finitum temporibus et personis causam appello, alterum infinitum, nullis neque personis neque temporibus notatum, propositum voco.'

13. **illam quoque partem:** i. e. ethics and politics as well as physics. Cp. the very similar discussion of the province of Rhetoric in Plato, Gorg. 453 D, 454 C, and of Dialectic in Cic. Acad. ii. 28. 91.

15. **liberam** = *nullis terminis saeptam*, 'unconfined.'

21. **disciplina civitatis:** i. 34. 159 (note).

adsumamus, concessive conj. Roby, § 1620.

22. **regionibus,** 'boundaries,' as often in Cicero, a meaning directly derived from its primary meaning of 'line.' Cp. pro Arch. 10. 23 'si res eae quas gessimus orbis terrae regionibus definiuntur;' ib. 11. 29 'quibus regionibus vitae spatium circumscriptum est.'

23. **ad usum civium, morem hominum,** 'the practice of the citizens, and their ways:' but the absence of any conjunction (*moremque* is only found in one inferior MS.) makes it highly probable that *morem hominum* is only a gloss on *usum*. In the next clause, translate 'in our social relations and political life.'

hac societate civili, in sensu hominis communi, in natura, in moribus, comprehendenda esse oratori puto; si minus, ut separatim de his rebus philosophorum more respondeat, at certe, ut in causa prudenter possit intexere; hisce autem ipsis de rebus ut ita loquatur, uti ei, qui iura, qui leges, qui civitates constituerunt, locuti sunt, simpliciter et splendide, sine ulla serie disputationum

69 et sine ieiuna concertatione verborum. Hoc loco ne qua sit admiratio, si tot tantarumque rerum nulla a me praecepta ponentur, sic statuo: ut in ceteris artibus, cum tradita sint cuiusque artis difficillima, reliqua, quia aut faciliora aut similia sint, tradi non necesse esse; ut in pictura, qui hominis unius speciem pingere perdidicerit, posse eum cuiusvis vel formae vel aetatis, etiamsi non didicerit, pingere neque esse periculum, qui leonem aut taurum pingat egregie, ne idem in multis aliis quadrupedibus facere non possit—neque est omnino ars ulla, in qua omnia, quae illa arte effici possint, a doctore tradantur, sed qui primarum et certarum rerum genera ipsa didicerunt, reliqua [non incommode]

70 per se adsequentur—similiter arbitror in hac sive ratione sive exercitatione dicendi, qui illam vim adeptus sit, ut eorum mentis, qui aut de re publica aut de ipsius rebus aut de eis, contra quos aut pro quibus dicat, cum aliqua statuendi potestate audiant, ad suum arbitrium movere possit, illum de toto illo genere reliquarum orationum non plus quaesiturum esse, quid dicat, quam Polyclitum illum, cum Herculem fingebat, quem ad modum

5. *qui iura*: om. A. 11. ***hominis unius*** KS e coni. ***hominum*** codd. mut. ***hominis*** P. 17. ***non incommode***, om. ABbγ Lg. 13, 32. 18. ***per se adsequentur*** PK.: ***p*** . . . ***tur*** Aγ ***per se adsequuntur*** S.

1. **sensu communi**: cp. i. 4. 13 (note).

2. **comprehendenda esse**, 'ought to be thoroughly mastered.'

5. **iura**, 'legal principles;' **leges**, 'statutes.'

6. **splendide**, 'clearly,' in a fresh, vigorous manner, opposed to barren verbal quibblings. Ernesti (Lexic. Techn. p. 369) is not satisfied with the meaning 'clear,' and prefers to interpret it of 'unassuming dignity of expression.'

9. **tradita sint**: so the best MSS.; the old reading *sunt* is not so good, and has less authority.

11. **necesse esse**, sc. arbitror: there is no need for the change to *est*, adopted by some editors on the suggestion of Lambinus. So with **posse** and **neque esse**.

16. **primarum**, 'the most important.'

17. **genera ipsa**, 'the general types.' [**non incommode**] omitted by many of the better MSS. and a needless addition.

18. **sive—sive**: cp. § 29 'sive artificium sive studium dicendi.'

21. **cum aliqua statuendi potestate**, equivalent to 'dominus rei,' in § 72.

23. **quaesiturum esse**, 'will be at a loss.'

24. **Polyclitum**: it is more common to reproduce the Greek *ει* by *i* before consonants (as Clitus, Euclides, etc.) and so it is written in A and most other MSS. here. There is some authority for *Polycletus* in Cicero, and it is found on an inscription, Orell. 3245, but Kühner, i. p. 58, is hardly correct in saying that it is the more common form. Cicero mentions him in seven other places, and the best editors always give *-clitus*, though the MSS. constantly vary. Cp. Madvig on de Fin. ii. 34. 115; Zumpt on Verr. iv. 5. 12; Acad.

pellem aut hydram fingeret, etiamsi haec numquam separatim
facere didicisset.' Tum Catulus 'praeclare mihi videris, Antoni, **17**
posuisse' inquit 'ante oculos, quid discere oporteret eum, qui 71
orator esset futurus, quid, etiamsi non didicisset, ex eo, quod
didicisset, adsumeret; deduxisti enim totum hominem in duo
genera solum causarum, cetera innumerabilia exercitationi et
similitudini reliquisti: sed videto ne in istis duobus generibus
hydra tibi sit et pellis, Hercules autem et alia opera maiora in
illis rebus, quas praetermittis, relinquantur; non enim mihi minus
operis videtur de universis generibus rerum quam de singulorum
causis ac multo etiam maius de natura deorum quam de hominum litibus dicere.' 'Non est ita,' inquit Antonius; 'dicam 72
enim tibi, Catule, non tam doctus quam, id quod est maius,
expertus: omnium ceterarum rerum oratio, mihi crede, ludus
est homini non hebeti neque inexercitato neque communium
litterarum et politioris humanitatis experti; in causarum con-

5. *totum hominem*: *totam hanc rem.* K. e coni. 7. *videto* S cum Ab: *vides* γ. *vide* KP. 8. *in illis rebus* Abγ: K. *ne in illis rebus* PS.

ii. 47. 146 (Reid); Kühner on Tusc. i. 2. 4; Brut. 18. 70; 86. 296 (Kayser) Parad. 5. 37. Polycleitus of Sicyon became a citizen of Argos, and hence some writers have incorrectly supposed that Polycleitus of Sicyon was a different man from Polycleitus of Argos. This was not the case, although there was also a *younger* Polycleitus of Argos. The elder Polycleitus was a pupil of Ageladas along with Pheidias (who seems to have been 16 or 18 years his senior) and Myron. As Pheidias was unrivalled in his statues of deities, so Polycleitus was unequalled in his human figures, and his Doryphorus was regarded as the ideal of human beauty (cp. Or. 2. 5; Brut. 86. 296). His principal works are enumerated in an excellent article by P. S. in the Dict. Biogr. Cp. also Overbeck, Geschichte der Griechischen Plastik, i. pp. 340–355. The statue of Heracles and the Hydra is not elsewhere mentioned; for it is evidently not the same as the Heracles Hageter, arming himself, which was at Rome in the time of Pliny (xxxiv. 8. 56, Detlefsen).

3. **inquit,** added from the *codd. mutili.* Its position is one very common in Cicero. Cp. i. § 74, 80, 99, 105, 122, 136, etc.

5. **deduxisti,** etc. i.e. you have brought a man entirely away from the distracting multiplicity of various kinds of oratory, and confined him to two classes. The metaphor is perhaps a military one: to confine the whole strength of a man to two positions, and not let it be broken up in an attempt to hold too many.

7. **similitudini,** 'analogy.'

videto (from the better MSS.), a more impressive warning than the more usual *vide*. Mr. Reid on pro Balb. § 17 allows that the forms in *-to, -tote* convey a somewhat stronger and more formal command or entreaty than the shorter forms: but in a later note on de Sen. § 3 he says that a careful examination of a very large number of instances has convinced him that no distinction in meaning or use can be drawn between the fuller and the shorter forms. Cp. Roby, § 1495. Translate 'you must see to it.'

14. **mihi crede,** always used by Cicero in this order, except in four instances (all in the letters to Atticus: cp. Kühner, ii. 758), possibly to avoid the dactylic rhythm: but cp. Reid on Acad. Ter. Phorm. 494 has 'crede mihi.'

ludus, 'child's play:' cp. de Fin. i. 8. 27 'cum praesertim illa perdiscere ludus esset.'

15. **communium litterarum et politioris humanitatis** = 'ordinary liberal education,' as compared with 'interiores et reconditae litterae,' de Nat. Deor. iii. 16. 42.

tentionibus magnum est quoddam opus atque haud sciam an de humanis operibus longe maximum; in quibus vis oratoris plerumque ab imperitis exitu et victoria iudicatur; ubi adest armatus adversarius, qui sit et feriendus et repellendus; ubi saepe is, qui rei dominus futurus est, alienus atque iratus aut etiam amicus adversario et inimicus tibi est; cum aut docendus is est aut dedocendus aut reprimendus aut incitandus aut omni ratione ad tempus, ad causam oratione moderandus; in quo saepe benevolentia ad odium, odium autem ad benevolentiam deducendum est; aut tamquam machinatione aliqua tum ad severitatem tum ad remissionem animi, tum ad tristitiam tum ad laetitiam est contorquendus; omnium sententiarum gravitate,

73 omnium verborum ponderibus est utendum; accedat oportet actio varia, vehemens, plena animi, plena spiritus, plena doloris, plena veritatis. In his operibus si quis illam artem comprehenderit, ut tamquam Phidias Minervae signum efficere possit, non sane, quem ad modum *ut* in clipeo idem artifex minora illa

17. *ut in clipeo*, Ad S. Em. om. KP. cum A. *idem artifex* incl. PK. (parum recte).

1. **haud sciam an**: i. 60. 255 (note).

3. **exitu et victoria iudicatur**: cp. Bacon, Advancement of Learning, Book II. x. 2 'For almost all other arts and sciences are judged by acts or masterpieces, as I may term them, and not by the successes and events. The lawyer is judged by the virtue of his pleading, and not by the issue of the cause. The master of the ship is judged by the directing his course aright, and not by the fortune of the voyage' (quoted with other interesting passages by Cope on Ar. Rhet. i. 14). This is discussed more fully below in § 178, §§ 182 ff.

5. **rei dominus** = 'arbiter,' *κύριος*: as in Ar. Rhet. i. 8 *περὶ μὲν οὖν τῶν ἄλλων δεῖ ὡς ἐλαχίστων ποιεῖν κύριον τὸν κριτήν*: and Xen. Hell. vii. 3. 6 *τοὺς κυρίους οὕστινας δεῖ ἀποθνήσκειν καὶ οὕστινας μή*.

7. **dedocendus**, i.e. requires to have his prejudices removed. Cp. *ἀναλαβεῖν τὸν ἀκροατήν* in Ar. Rhet. i. 10, though the meaning there becomes more general.

8. **ad tempus**, 'to suit the occasion.'

moderandus, 'managed,' not (I think) as Pid. 'set,' with a metaphor taken from a lyre.

10. **aut tamquam**: the earlier editors have *qui*, which is unintelligible. Madvig from γ, which has *qui ut* (as A is now found to read), corrected *aut*: according to Ell. the better Lgg. (cp. p. 61) all have *ut* (not *qui ut*), which makes the correction certain.

machinatione, 'engine;' hence the apologetic 'tamquam,' and the strong phrase 'contorquendus;' not as the dictt. based on Freund give it, 'contrivance.'

12. **sententiarum gravitate**, 'impressive thoughts.'

13. **verborum ponderibus**, 'weighty words.'

14. **actio**, 'delivery.'

spiritus, 'confidence,' 'energy:' in this sense Cicero always uses the *plural* in the nom. ~~and acc.~~

doloris, 'pathos.'

17. **non sane laborabit quem ad modum discat**, 'he will certainly not have any difficulty in learning.' Cp. pro Flacc. 4. 10 'numquam laborant quem ad modum probent quod dicunt.' Acad. ii. 4. 10 'non laboro quam valde ea quae dico probaturus sim.'

clipeo, so in all good MSS. here; and in an inscription dating towards the end of the first century A.D. (I. R. N. 5250); *clupeus* in the Mon. Ancyr. vi. 20; and in C. I. L. ii. 1263, 1286; so Ribbeck, Prol. in Verg. p. 450. Keller, Epilegomena zu Horaz, p. 98, lays it down that *clipeus* not *clupeus* is the genuine classical form: *clypeus* of course is a

opera facere discat, laborabit.' Tum Catulus 'quo ista maiora 18
ac mirabiliora fecisti, eo me maior exspectatio tenet quibusnam 74
rationibus quibusque praeceptis ea tanta vis comparetur; non
quo mea quidem iam intersit—neque enim aetas id mea desiderat
et aliud genus quoddam dicendi nos secuti sumus, qui numquam
sententias de manibus iudicum vi quadam orationis extorsimus
ac potius placatis eorum animis tantum, quantum ipsi patie-
bantur, accepimus—sed tamen ista tua nullum ad usum meum,
tantum cognoscendi studio adductus requiro; nec mihi opus est 75
Graeco aliquo doctore, qui mihi pervolgata praecepta decantet,
cum ipse numquam forum, numquam ullum iudicium aspexerit;
ut Peripateticus ille dicitur Phormio, cum Hannibal Karthagine
expulsus Ephesum ad Antiochum venisset exsul proque eo,
quod eius nomen erat magna apud omnis gloria, invitatus esset
ab hospitibus suis, ut eum, quem dixi, si vellet, audiret; cumque
is se non nolle dixisset, locutus esse dicitur homo copiosus aliquot
horas de imperatoris officio et de re militari; tum, cum ceteri,

barbarism. Cp. Schuchardt, Vulgärlat. ii. 226. For the famous chryselephantine statue of Athena in the Parthenon, by Pheidias, cp. Pausan. i. 24. 7; Plin. Hist. Nat. xxxvi. 5. 18. The latter says 'in scuto eius Amazonum proelium caelavit intumescente ambitu, in formae eiusdem concava parte deorum et gigantum dimicationes, in soleis vero Lapitharum et Centaurorum, adeo momenta omnia capacia artis illi fuere.' Cp. Michaelis, Parthenon, p. 268; Overbeck, op. cit. i. 224–228. It is said that Pheidias was imprisoned for having introduced the representation of Pericles and himself on this shield (Cic. Tusc. i. 15. 34; Plut. Pericl. 31), and died in prison. There is a fragment of a marble shield in the British Museum, which is believed to be a reproduction of the shield of Athena, containing the figure of a bald-headed combatant, evidently a portrait, and plausibly assumed to be that of Pheidias himself.

idem artifex, sc. fecit. *ut* was added by Ernesti, and has been accepted by the recent editors, except Kayser and Piderit, who prefer to bracket 'idem artifex.' This is neater, but 'idem artifex' is found in the *cod. mutili*, which are not characterized by interpolations; hence it is better to retain it.

cc. 18–20. *An anecdote told by Catulus of the absurd conduct of a Greek rhetorician* (§ 75), *as illustrating the little value of theory not based upon experience* (§ 76), *leads to a brief criticism by Antonius of some of the superfluous or misleading precepts of the ordinary rhetorical systems* (§§ 77–84).

3. **non quo**: i. 6. 23 (note).

4. **id mea**; *id* is somewhat out of its natural place, from Cicero's love of bringing pronouns together.

7. **ac potius**: we might have expected *sed potius*; but this is in accordance with Cicero's usage. Cp. Seyffert on Lael. 8. 26.

8. **ista tua**, 'your views.'

10. **decantet**: cp. *cantilena* in i. 23. 105; *carmen* in i. 57. 245.

12. **Phormio**: nothing seems to be known of this man; Stobaeus, Floril. tit. 54 (vol. ii. p. 330 Mein.) tells a similar story, *'Αννίβας ἀκούσας Στωικοῦ τινος ἐπιχειροῦντος ὅτι ὁ σοφὸς μόνος στρατηγικός ἐστιν, ἐγέλασε, νομίζων ἀδύνατον εἶναι ἐκτὸς τῆς δι' ἔργων ἐμπειρίας τὴν ἐν τούτοις ἐπιστήμην σχεῖν.*

13. **ad Antiochum venisset**: B.C. 195: Mommsen, ii. 202. 256.

proque eo, quod, 'inasmuch as:' cp. Liv. xxxviii. 49. 13 'pro eo quod pluribus verbis vos quam vellem fatigavi:' Roby, § 2074.

16. **dicitur homo copiosus**, repeated after 'dicitur Phormio,' because of the long intervening clause.

qui illum audierant, vehementer essent delectati, quaerebant ab Hannibale, quidnam ipse de illo philosopho iudicaret: hic Poenus non optime Graece, sed tamen libere respondisse fertur, multos se deliros senes saepe vidisse, sed qui magis, quam Phormio de-
76 liraret, vidisse neminem. Neque mehercule iniuria: quid enim aut adrogantius aut loquacius fieri potuit quam Hannibali, qui tot annis de imperio cum populo Romano omnium gentium victore certasset, Graecum hominem, qui numquam hostem, numquam castra vidisset, numquam denique minimam partem ullius publici muneris attigisset, praecepta de re militari dare? hoc mihi facere omnes isti, qui de arte dicendi praecipiunt, videntur; quod enim ipsi experti non sunt, id docent ceteros; sed hoc minus fortasse errant, quod non te, ut Hannibalem, sed
19 pueros aut adulescentulos docere conantur.' 'Erras, Catule,'
77 inquit Antonius 'nam egomet in multos iam Phormiones incidi. Quis enim est istorum Graecorum, qui quemquam nostrum quicquam intellegere arbitretur? ac mihi quidem non ita molesti sunt; facile omnis perpetior et perfero; nam aut aliquid adferunt, quod mihi non displiceat, aut efficiunt, ut me non didicisse minus paeniteat; dimitto autem eos non tam contumeliose quam philosophum illum Hannibal, et eo fortasse plus habeo etiam negotii: sed tamen est eorum doctrina, quantum ego iudicare

3. **libere,** 'frankly enough,' = μετὰ παρρησίας.

multos . . . saepe: a conversational pleonasm, especially common in Plautus: cp. Capt. 44. 327, 993, etc.; in Cic. Lael. 1. 2; de Off. ii. 6. 20 (Holden); Tusc. i. 30. 74 (Kühner): so in Greek πολλὰ πολλάκις.

4. **deliros senes,** 'old dotards.'

7. **tot annis,** not exactly 'for so many years,' without interruption, which in Cicero seems almost always to be in the accus. but 'at various times within so many years:' cp. Roby, § 1182. The only instance of the ablative among the passages quoted by him in § 1184, note 3, which implies the notion of unbroken continuance is de Off. iii. 2, 8 'triginta annis vixisse Panaetium,' for which see Holden ad loc. and Kühner, ii. 266; Roby, § 1206. In de Div. i. 19. 38 'multis saeclis verax fuisse id oraculum,' the meaning is evidently that it had proved true at whatever time it had been consulted during many ages: so in the saying of Cicero quoted by Quintilian (vi. 3. 73), 'hoc illam iam viginti annis audio,' the force is 'I have been hearing that any time these twenty years.' Cp. Mayor on de Nat. D. i. 9. 22, 'isto spatio.' Possibly however Quint. was misled by the looser practice of his own time, and misquoted Cicero.

13. **ut Hannibalem,** sc ille, which can hardly be spared, though the MS. authority for it is worthless I cannot accept Pid.'s notion that there is a reference to the 'oratorical generalship' of Antonius, showed in the skill with which he marshalled his arguments: *aut Hannibalem* (Müller's conjecture, found in one MS.) is not a happy emendation.

15. **Phormiones**: i. 48. 211 (note).

20. **paeniteat**: so A, not (as Sorof) *poeniteat*: the connection with *poena* is indirect, not direct: cp. Corssen, i². 370. Keller on Hor. Epod. ii. 8. So always the Bembine in Terence; and the Ambrosian in Plautus: cp. Ritschl, Proll. ad Trin. p. xcvii.

22. **doctrina,** 'system.'

possum, perridicula: dividunt enim totam rem in duas partis, in 78
causae controversiam et in quaestionis: causam appellant rem
positam in disceptatione reorum et controversia; quaestionem
autem rem positam in infinita dubitatione; de causa praecepta
dant; de altera parte dicendi mirum silentium est. Deinde 79
quinque faciunt quasi membra eloquentiae, invenire quid dicas,
inventa disponere, deinde ornare verbis, post memoriae mandare,
tum ad extremum agere ac pronuntiare; rem sane non recon-
ditam; quis enim hoc non sua sponte viderit, neminem posse
dicere, nisi et quid diceret et quibus verbis et quo ordine diceret
haberet et ea meminisset? atque haec ego non reprehendo, sed
ante oculos posita esse dico, ut eas item quattuor, quinque, sexve
partis vel etiam septem, quoniam aliter ab aliis digeruntur, in
quas est ab his omnis oratio distributa: iubent enim exordiri 80
ita, ut eum, qui audiat, benevolum nobis faciamus et docilem et
attentum; deinde rem narrare, et ita ut veri similis narratio sit,
ut aperta, ut brevis; post autem dividere causam aut proponere;

1. **dividunt**: Introd. p. 56.

2. **controversia** has in Cicero always the general meaning = *dubitatio* or *contentio*: in Seneca it acquires the special force of a *causa ficta*.

3. **reorum**: cp. Cicero's definition in § 183.

6. **quinque quasi membra**: Introd. p. 53.

8. **rem sane non reconditam**; the accusative governed virtually by 'faciunt.' Cp. Madvig on de Fin. ii. 23. 75; Kühner on Tusc. i. 43. 102. Tacitus carries the usage further: cp. Nipperdey on Tac. Ann. i. 27. The nom. may be similarly used in apposition if the structure of the preceding clause admits of this case.

9. **viderit**: Roby, § 1485.

posse dicere = 'dicturum fuisse,' the sentence in oratio recta being 'nemo poterat dicere ... nisi haberet.' Cp. Roby, § 1560, 1566, for the indicative forms of *possum* in conditional sentences.

12. **quattuor**, etc. Six subdivisions of a speech are laid down in the 'Rhetorica ad Herennium' (Introd. p. 53); four in the 'de Partitione Oratoria.' The seven were made up by some Stoic rhetoricians, whose terminology however varied; (cp. Volkmann, Rhetorik, p. 87): the most usually adopted seventh subdivision was the *digressio*, introduced before the *peroratio*.

15. **benevolum**, etc. Cp. Quintil. iv 1. 5 'id fieri tribus maxime rebus inter auctores plurimos constat, si benevolum, attentum, docilem fecerimus:' so ad Her. i. 4. 6; de Inv. i. 15. 20. A has *benivolum*; both forms are well established for the time of Cicero; but *benivolus* and *malivolus* have most authority in Plautus and Terence. Cp. Corssen, ii². 320.

16. **narrare, et ita**, so Abγ: 'and that in such a way.' K. P. omit *et*. Cp. pro Mil. 25, 67 'te enim iam appello, et ea voce ut me exaudire possis.'

veri similis, etc. 'Most writers following Isocrates, require of narrative three qualities: it must be *clear* (σαφής, lucida, perspicua, manifesta, aperta), *brief* (σύντομος, brevis), and *probable* (πιθανή, verisimilis, probabilis, credibilis)'; Volkmann, Rhet. p. 113; cp. ad Herenn. i. 9. 14; de Inv. i. 20. 28; Quintil. iv. 2. 31. Cp. below, § 326; and for Aristotle's criticism γελοίως τὴν διήγησίν φασι δεῖν εἶναι ταχεῖαν, see the note there and Cope's edition of the Rhetoric, iii. p. 189.

17. **dividere**: cp. ad Her. i. 3. 4 'divisio est per quam aperimus quid conveniat [i. e. the facts admitted by both sides], quid in controversia sit et per quam exponimus, quibus de rebus sumus dicturi;' and more fully in i. 10. 17 'Causarum divisio in duas partes distributa est, primum perorata narratione debemus aperire, quid nobis conveniat

nostra confirmare argumentis ac rationibus; deinde contraria refutare; tum autem alii conclusionem orationis et quasi perorationem conlocant, alii iubent, antequam peroretur, ornandi aut augendi causa digredi, deinde concludere ac perorare. Ne haec
81 quidem reprehendo; sunt enim concinne distributa, sed tamen, id quod necesse fuit hominibus expertibus veritatis, non perite: quae enim praecepta principiorum et narrationum esse voluerunt,
82 ea in totis orationibus sunt conservanda; nam ego mihi benevolum iudicem facilius facere possum, cum sum in cursu orationis, quam cum omnia sunt inaudita; docilem autem non cum polliceor me demonstraturum, sed tum, cum doceo et explano; attentum vero crebro tota actione excitandis mentibus iudicum, non prima
83 denuntiatione efficere possumus. Iam vero narrationem quod iubent veri similem esse et apertam et brevem, recte nos admonent: quod haec narrationis magis putant esse propria quam totius orationis, valde mihi videntur errare; omninoque in hoc omnis est error, quod existimant artificium esse hoc quoddam non dissimile ceterorum, cuius modi de ipso iure civili hesterno die Crassus componi posse dicebat: ut genera rerum primum exponerentur, in quo vitium est, si genus ullum praetermittitur; deinde singulorum partes generum, in quo et deesse aliquam

6. *ab hominibus* K.: *ab* om. Codd. omnes praeter B. 12. *excitandis mentibus iudicum* incl. K. 13. *efficere possumus* incl. K. 20. *praetermittitur* Abγ. PKS: legebatur *praetermittetur*.

cum adversariis, et si ea, quae utilia nobis erunt convenient, quid in controversia nobis relinquatur [the *propositio*], deinde cum hoc fecerimus, distributione uti debemus; ea dividitur in duas partes, enumerationem et expositionem, enumeratione utemur, cum dicemus numero quot de rebus dicturi sumus—expositio est, cum res quibus de rebus dicturi sumus, exponimus breviter et absolute.' The *divisio* therefore includes the *propositio*: but the latter part might be used alone: hence Cicero says, '*aut* proponere;' *vel* would have given quite a different force. For 'proponere' we have 'causam ponere' in § 331. Cp. Volkmann, p. 132 ff.; Introd. p. 54.

4. **augendi,** 'expansion:' cp. de Inv. i. 51. 97 'Hermagoras digressionem deinde, tum postremam conclusionem ponit . . . ex qua conficiat aliquid confirmationis aut reprehensionis, non argumentando, sed augendo per quandam amplificationem . . . . nobis non placuit hanc partium in numerum poni.'

5. **concinne,** 'neatly.'

6. **perite,** 'with practical skill.'

8. **conservanda,** 'observed throughout.'

12. **excitandis,** i. e. rousing from their inattention.

13. **denuntiatio,** 'promise,' not limited to a threat of evil, though much more common in this sense: strictly 'a formal notice;' see LS under *denuntio.*

Iam vero, 'then again.' Sorof's distinction that *iam* introduces a subdivision, *nunc* a main division, will not be found to hold good always. Cp. Phil. ii. 3. 19; de Off. ii. 3. 13.

14. **brevem:** cp. Ar. Rhet. iii. 16. 4 *δεῖ γὰρ μὴ μακρῶς διηγεῖσθαι ὥσπερ οὐδὲ προοιμιάζεσθαι μακρῶς, οὐδὲ τὰς πίστεις λέγειν.*

18. **hesterno die:** i. 42. 190.

20. **exponerentur,** assimilated to 'dicebat,' whereas 'est' and 'praetermittitur' are the direct speech of Antonius.

21. **partes,** 'species:' cp. i. 42. 189 (note).

partem et superare mendosum est; tum verborum omnium definitiones, in quibus neque abesse quicquam decet neque redundare. Sed hoc si in iure civili, si etiam in parvis aut 20
mediocribus rebus doctiores adsequi possunt, non idem sentio 84
tanta hac in re tamque immensa posse fieri; sin autem qui arbitrantur, deducendi sunt ad eos, qui haec docent; omnia iam explicata et perpolita adsequentur; sunt enim innumerabiles de his rebus libri neque abditi neque obscuri: sed videant quid velint; ad ludendumne an ad pugnandum arma sint sumpturi; aliud enim pugna et acies, aliud ludus campusque noster desiderat; ac tamen ars ipsa ludicra armorum et gladiatori et militi prodest aliquid; sed animus acer et praesens et acutus idem atque versutus invictos viros efficit [non difficilius arte coniuncta].
Qua re ego tibi oratorem sic iam instituam, si potuero, ut quid 85
efficere possit ante perspiciam: sit enim mihi tinctus litteris; audierit aliquid, legerit, ista ipsa praecepta acceperit; temptabo

11. *ac tamen* S cum AB. attamen KP. 14. *si potuero* PS cum AB: *si potero* K cum Lagg. optimis.

1. **superare** = superesse, chosen here to avoid assonance with 'deesse:' cp. Kritz on Sall. Cat. 20. 11.

2. **abesse,** 'be lacking,' i. 11. 48 (note).

5. **qui,** from *quis*, indefinite.

7. **adsequentur,** 'find,' in a slightly different sense from 'adsequi' = 'accomplish,' just above. Cp. Mayor on de Nat. D. i. 5. 12 'secutum—sequantur.'

8. **neque abditi neque obscuri,** 'they are not difficult either to discover or to understand.'

9. **ad ludendum**: i. 18. 81.

10. **campus** Martius: cp. § 253, 287. Cp. de Off. i. 29. 104 'suppeditent autem et campus noster et studia venandi honesta exempla ludendi.' For the exercises of the Campus cp. Hor. Od. i. 8. 3; iii. 7. 25; Sat. ii. 1. 8; Ep. i. 18. 54. The favourite exercise was ball-playing (cp. Marquardt, Privatalt. ii. 421 ff.): but the reference is here perhaps rather to military exercises.

11. **ac tamen**: i. 32. 148 (note): so Ab here.

ars ludicra: i. 32. 147 (note).

12. **aliquid** is somewhat emphatic here: 'is of some service.' Cp. Kühner's exx. ii. 464. Pid. quotes Val. Max. ii. 3. 2 'armorum tractandorum meditatio a P. Rutilio consule militibus est tradita: virtutemque arti et rursus artem virtuti miscuit, ut illa impetu huius fortior, haec illius scientia cautior fieret.' For the training of soldiers cp. Marquardt, v. 547–8.

13. **[non difficilius arte coniuncta]** is evidently a feeble addition of a copyist. 'It is the bold, ready and quick-sighted spirit, which is at the same time well-practised, that makes men invincible.'

§§ **85–89.** *Antonius lays down as the first requisite for the pursuit of oratory, certain natural endowments and capacity, illustrating his remarks by the case of Sulpicius.*

14. **sic . . . ut**: for this restrictive 'sic,' for which 'ita' is more common, cp. Kühner, ii. 822; Roby, § 1704.

si potuero, 'if I find I am able,' fut. perf. because the *posse* must necessarily precede the *instituere*. Cp. Brut. 5. 21 'ego vero, inquam, si potuero, faciam vobis satis.'

15. **tinctus litteris,** 'with some knowledge of literature,' as Ell. rightly says 'nec levissime nec accuratissime litteris imbutus:' a thorough knowledge of literature 'Graecos et umbraticos decebat.' Antonius is here repeating the precept of § 72. So in Brut. 58. 211 'illam [Laeliam] patris elegantia tinctam vidimus' = 'not without some share of his father's elegance of language.' The word is not quite synonymous with 'imbutus.' See note on § 162.

16. **ista ipsa praecepta,** i.e. of the ordinary rhetoric of the schools.

quid deceat, quid voce, quid viribus, quid spiritu, quid lingua efficere possit. Si intellegam posse ad summos pervenire, non solum hortabor, ut elaboret, sed etiam, si vir quoque bonus mihi videbitur esse, obsecrabo; tantum ego in excellenti oratore et eodem bono viro pono esse ornamenti universae civitati; sin videbitur, cum omnia summa fecerit, tamen ad mediocris oratores esse venturus, permittam ipsi quid velit; molestus magno opere non ero; sin plane abhorrebit et erit absurdus, ut se contineat
86 aut ad aliud studium transferat, admonebo; nam neque is, qui optime potest, deserendus ullo modo est a cohortatione nostra neque is, qui aliquid potest, deterrendus: quod alterum divinitatis mihi cuiusdam videtur, alterum, vel non facere quod non optime possis, vel facere quod non pessime facias, humanitatis, tertium vero illud, clamare contra quam deceat et quam possit, hominis est, ut tu, Catule, de quodam clamatore dixisti, stultitiae suae
87 quam plurimos testis domestico praeconio conligentis. \De hoc

1. **quid deceat**, sc. eum, i.e. how far he possesses the grace (*decorum*) which is laid down in i. 29. 132 as the first requisite of *ars*.

spiritu, § 73 (note).

3. **elaboret**: i. 5. 18 (note).

vir bonus. Kühner, ii. 1070 (after Beier, ad de Off. i. 7. 20) lays down the rule that *vir bonus* is a worthy man, a good honest fellow, one who discharges the ordinary duties of life aright (de Off. i. 10. 31; 14. 41), while *bonus vir* is a really good man (ib. ii. 17. 58; 20. 69, etc.), though it falls back into the ordinary meaning if another adjective is coupled with it (de Off. ii. 12. 42 'ab uno iusto et bono viro'). Cp. *un brave homme* and *un homme brave*, etc. But I am by no means sure that this canon will always hold good. We cannot say more than that the position of the adjective before the substantive gives it more emphasis. 'Bonus vir' is used ironically in de Off. ii. 1. 2; iii. 9. 39, and often elsewhere. Perhaps Antonius had in his mind here especially the political meaning of the expression, 'of sound political principles;' but we need not so limit its force. Cp. Cato's definition of an orator 'vir bonus dicendi peritus,' in his treatise 'De Oratore;' and Ar. Rhet. i. 2. 4; ii. 1. 5.

4. **excellenti**: MSS. 'excellente;' but see note on i. 61. 259.

6. **cum omnia summa fecerit**: 'when he has done everything in his power:' cp. ad Att. xv. 13. 4 'ad me scripsit . . . sese de attributione omnia summa fecisse.'

8. **plane abhorrebit**, 'is quite unfit.'

absurdus, 'out of place:' primarily 'out of tune.' Cp. 'vox absóna et absurda,' iii. 11. 41; 'si absurde canat, qui se haberi velit musicum.' Tusc. ii. 5. 12: Kritz on Sall. Cat. 3. 1. So Liv. xxx. 44. 6 'vestrae istae absurdae atque abhorrentes ('out of place') lacrimae;' ib. xxvii. 37. 13 (Weissenborn).

9. **ad aliud studium**: i. 29. 130.

11. **alterum**: sc. optime posse.

divinitatis, a proof of excellence almost superhuman (cp. § 298).

13. **possis**. Roby, § 1544.

humanitatis, comes within the range of ordinary human action; i.e. is quite natural and allowable to a man, who is therefore not to be prevented fròm choosing either alternative.

14. **possit**, sc. homo, easily supplied from the following 'hominis.' The more usual 'possis' is found here in some inferior MSS. and is retained by Ern.

15. **clamatore**; restored by Ell. from all the good MSS. for *declamatore*, which is out of place here. Cp. iii. 21. 81; Brut. 49. 182 'ego tamen ita de uno quoque dicam ut intellegi possit, quem existimem clamatorem, quem oratorem fuisse.'

16. **domestico praeconio**, 'by crying his own wares' (§ 38): cp. Hor. A. P.

igitur, qui erit talis, ut cohortandus adiuvandusque sit, ita loquamur, ut ei tradamus ea dumtaxat, quae nos usus docuit, ut nobis ducibus veniat eo, quo sine duce ipsi pervenimus, quoniam meliora docere non possumus. Atque ut a familiari nostro **21** exordiar, hunc ego, Catule, Sulpicium primum in causa parvula **88** adulescentulum audivi voce et forma et motu corporis et reliquis rebus aptis ad hoc munus, de quo quaerimus, oratione autem celeri et concitata, quod erat ingenii, et verbis effervescentibus et paulo nimium redundantibus, quod erat aetatis. Non sum aspernatus; volo enim se efferat in adulescente fecunditas; nam sicut facilius in vitibus revocantur ea, quae sese nimium profuderunt, quam, si nihil valet materies, nova sarmenta cultura excitantur, item volo esse in adulescente, unde aliquid amputem; non enim potest in eo esse sucus diuturnus, quod nimis celeriter est maturitatem adsecutum. Vidi statim indolem neque dimisi **89** tempus et eum sum cohortatus, ut forum sibi ludum putaret esse ad discendum, magistrum autem, quem vellet, eligeret; me quidem si audiret, L. Crassum: quod iste adripuit et ita sese facturum confirmavit atque etiam addidit, gratiae scilicet causa,

419 'ut praeco, ad merces turbam qui cogit emendas:' *praecon-* is contracted from *praevŏcon-*: Corssen, i². 316; ii². 684. Cp. *praedes* for *praevides*.

5. **hunc ego**: 'ego' is not emphatic, but only serves to bring out *hunc*, with Cicero's usual love for the accumulation of prepositions.

6. **voce**, etc. Introd. p. 19.

8. **effervescentibus**: so Cicero says of his own speech for Sex. Roscius (Or. 30. 107) 'quantis illa clamoribus adulescentuli diximus, quae nequaquam satis defervisse post aliquanto sentire coepimus,' and shortly afterwards 'ipsa illa iuvenilis redundantia.' Cp. Brut. 91. 316 'is (Molo) dedit operam ut nimis redundantes nos et superfluentes iuvenili quadam dicendi impunitate et licentia reprimeret et quasi extra ripas diffluentes coerceret.'

10. **se efferat**, 'should run riot:' cp. § 342. So ὑβρίζειν is used of plants in Theophrastus. So *corrigere* is used of the vine-dresser.

11. **revocantur**, 'are checked.'

profuderunt, 'have shot out.'

12. **materies**, 'the wood,' i.e. the stock.

sarmenta, 'shoots,' properly 'cuttings:' 'virgulae abscissae sarmenta: Sarpere enim antiqui pro purgare ponebant.' Festus, p. 322, Müll. Cp. Reid on Cat. Mai. § 52.

13. **unde**, i. e. some redundancy from which. Cp. Quintil. ii. 4. 6 'facile remedium est ubertati; sterilis nullo labore vincuntur,' with the context.

14. **sucus**—not 'succus,' which has no good authority here. Cp. Ribbeck on Verg. Ecl. iii. 6; Keller on Hor. Od. iii. 3. 35 (Epileg. p. 197)—'sap.' Donat. 'humor in corpore quo abundant bene valentes;' on Ter. Eun. ii. 3. 27 'corpus suci plenum.'

15. **dimisi**, 'let slip.' Key in 'Proceedings of the Philological Society,' 1855, pp. 1–15, shows well how the compounds of *mitto* usually have the force of 'let go,' not 'send,' a force which of course is very often that of 'mitto' itself; e. g. Plaut. Truc. iv. 2. 43 'mittin' me intro?' = 'will you let me go in?'

16. **ludum ad discendum.** Cicero says of himself (Brut. 90. 311) 'Tum primum [i. e. after his study under Molon at Rhodes, and diligent practice at Rome] nos ad causas et privatas et publicas adire coepimus, non ut in foro disceremus, quod plerique fecerunt, sed ut, quantum nos efficere potuissemus, docti in forum veniremus.'

19. **gratiae scilicet causa**, 'of course purely out of courtesy.'

me quoque sibi magistrum futurum. Vix annus intercesserat ab hoc sermone cohortationis meae, cum iste accusavit C. Norbanum, defendente me: non est credibile quid interesse mihi sit visum inter eum, qui tum erat et qui anno ante fuerat. Omnino in illud genus eum Crassi magnificum atque praeclarum natura ipsa ducebat, sed ea non satis proficere potuisset, nisi eodem studio atque imitatione intendisset atque ita dicere consuesset, ut tota
22 mente Crassum atque omni animo intueretur. Ergo hoc sit
90 primum in praeceptis meis, ut demonstremus, quem imitetur [atque ita, ut, quae maxime excellent in eo, quem imitabitur, ea diligentissime persequatur]; tum accedat exercitatio, qua illum, quem delegerit, imitando effingat atque exprimat, non ut multos imitatores saepe cognovi, qui aut ea, quae facilia sunt, aut etiam illa, quae insignia ac paene vitiosa, consectantur
91 imitando: nihil est facilius, quam amictum imitari alicuius aut statum aut motum; si vero etiam vitiosi aliquid est, id sumere et in eo ambitiosum esse non magnum est, ut ille, qui nunc etiam, amissa voce, furit in re publica, Fufius, nervos in dicendo

12. *non ut multos . . . persequatur*: desunt in ABbγ etc. 17. *ambitiosum* Lachmann (Lucret., p. 30); mox idem *probabit*.

2. **C. Norbanum**: Introd. p. 14.

4. **illud genus Crassi**, 'the style of Crassus.'

5. **eum** is out of its natural place, being attracted towards the *illud*.

6. **ea**: abl. sc. 'natura.'

eodem = 'in eundem Crassum.' Roby, § 1113.

7. **intendisset**: for this intransitive construction cp. i. 30. 135; for *intueor* with acc. cp. i. 2. 6.

cc. 22–23. *The first rule Antonius gives is for the careful imitation of some good model by means of constant practice* (§§ 91, 92), *which leads to a digression on the various schools of oratory in Greece* (§§ 92–95). *He adds the advice that this practice should be conducted largely by means of writing* (§§ 96, 97); *and qualifies his previous remarks by noticing that some men of original powers can dispense with the imitation of a model* (§ 98).

10. **[atque . . . persequatur]**. Kayser and Sorof after Schuetz bracket these words, as manifestly foisted in from § 92.

12. **effingat atque exprimat**, 'may reproduce exactly:' ἓν διὰ δυοῖν, *exprimat* being, as usual, the word which retains less of the figurative force. Cp. Or. i. 3 'Si eum oratorem quem quaeris expressero:' *expressa* of precise resemblance is often opposed to *adumbrata*. Cp. Madv. on de Fin. v. 22. 62. Strictly *adumbrare* denotes sketching in outline, *exprimere* plastic modelling.

15. **amictum**, i. e. the way in which a man wore his toga: Roman orators often paid the greatest attention to the graceful arrangement of its folds. Cp. Quintil. xi. 3. 131, 137 ff.

17. **ambitiosum**, the conjecture of Lachmann for *vitiosum* of the inferior MSS. (the codd. mutili omit **non ut multos . . . persequatur**). If we suppose the genuine word to have been corrupted, this conjecture is a very happy one. The only question is whether the original word may not have been wholly lost, the eye of the copyist having fallen upon *vitiosi* by accident. Adler ingeniously reads *vitio similem esse*: **in eo ambitiosum esse**, 'to plume oneself upon this.'

18. **Fufius** prosecuted M'. Aquilius *de rebus repetundis* after his administration of Sicily, where he had put down the servile war, B.C. 98. Cic. de Off. ii. 14. 50, places this among his instances of justifiable

C. Fimbriae, quos tamen habuit ille, non adsequitur, oris pravitatem et verborum latitudinem imitatur; sed tamen ille nec deligere scivit, cuius potissimum similis esset, et in eo ipso, quem delegerat, imitari etiam vitia voluit; qui autem ita faciet, ut 92 oportet, primum vigilet necesse est in deligendo; deinde, quem probarit, in eo, quae maxime excellent, ea diligentissime persequatur. Quid enim causae censetis esse, cur aetates extulerint singulae singula prope genera dicendi? quod non tam facile in nostris oratoribus possumus iudicare, quia scripta, ex quibus iudicium fieri posset, non multa sane reliquerunt, quam in Graecis, ex quorum scriptis, cuiusque aetatis quae dicendi ratio voluntasque fuerit, intellegi potest. Antiquissimi fere sunt, quo- 93 rum quidem scripta constent, Pericles atque Alcibiades et eadem

6. *probarit* Ad. S. *probavit* KP. etc. 8. *singula* om. K (nescio qua incuria).

prosecutions: 'in accusando etiam M'. Aquilio L. Fufii cognita industria est.' Cp. pro Flacco, 39. 98; Brut. 62. 222 'multum ab his aberat L. Fufius, tamen ex accusatione M'. Aquilii diligentiae fructum ceperit.' But Antonius had defended Aquilius (Introd. p. 14), and so was no unprejudiced judge. There is no reason for hesitating (with Ellendt) to identify the man here spoken of with the prosecutor of Aquilius. Nothing else is known of his political action: the story told of him in i. 39. 179 goes to show that he was a shameless unprincipled fellow. His style of speaking is severely criticised in iii. 13. 50.

C. Flavius Fimbria, the colleague of Marius in his second consulship, B.C. 104. Cic. de Off. iii. 19. 77, calls him *consularis*, to distinguish him from his better-known namesake (possibly his son), who was lieutenant to L. Flaccus in the war against Sulla. The latter murdered Flaccus B.C. 85, and the next year committed suicide, when deserted by his soldiers (Mommsen, iii. 306–7, 311). The former perished in the riots of Cinna. Cic. (Brut. 34. 129) says of him 'habitus est sane, ut ita dicam, lutulentus, asper, maledicus: genere toto paullo fervidior atque commotior, diligentior tamen et virtute animi atque vita bonus auctor in senatu.' The other Fimbria was noted for his vehement style of speaking: 'qui omnia magna voce dicens, verborum sane bonorum cursu quodam incitato, ita furebat tamen, ut mirarere tam alias res agere populum ut esset insano inter disertos locus.' From this Asinius Pollio coined the verb *fimbriare*, Quint. viii. 3. 32.

1. **tamen**: i. 47. 205 (note).

oris pravitatem, 'his wry mouths.'

2. **verborum latitudinem**, 'broad pronunciation' = πλατειασμός, 'vasta et rustica verborum pronuntiatio,' iii. 11. 42.

sed tamen, i. e. in spite of the real vigour of Fimbria.

6. **probarit**. So Sorof for *probavit* of all (the inferior) MSS. Lachmann, ad Lucr. p. 30, had conjectured *probabit*, the force of which is not quite so good here.

7. **extulerint**. Sorof proposes *tulerint*, which is more common in the sense of 'bear, produce:' but cp. Brut. 4. 16 'ager cum multos annos quievit, uberiores efferre fruges solet:' so de Rep. ii. 4. 9 'id quod agri efferant:' hence the alteration is not justified.

11. **ratio voluntasque**, 'style and character:' *voluntas* is literally the purpose, hence the tendency or spirit.

13. **constent**, 'are recognised' as genuine. Similarly in Brut. 7. 27, Cicero speaks of Pericles 'cuius scripta quaedam feruntur:' Quintilian, iii. 1. 14, recognises them to be spurious, 'equidem non reperio quidquam tanta eloquentiae fama dignum, ideoque minus miror esse, qui nihil ab eo scriptum putent, haec autem quae feruntur, ab aliis esse composita.' Nothing is now extant ascribed either to Pericles or Alcibiades, and we have no other reference to any writings of Alcibiades; but Helbig has assigned to him (on very insufficient grounds) the authorship of the pseudo-Xenophontean treatise 'De reditibus Atheniensium.' The words of Demosthenes, Mid. p. 561, λέγειν ἐδόκει πάντων, ὡς

aetate Thucydides, subtiles, acuti, breves, sententiisque magis quam verbis abundantes: non potuisset accidere, ut unum genus esset omnium, nisi aliquem sibi proponerent ad imitandum. Consecuti sunt hos Critias, Theramenes, Lysias: multa Lysiae scripta sunt; non nulla Critiae; de Theramene audimus; omnes etiam tum retinebant illum Pericli sucum, sed erant paulo uberiore
94 filo. Ecce tibi est exortus Isocrates, magister istorum omnium, cuius e ludo tamquam ex equo Troiano meri principes exierunt; sed eorum partim in pompa, partim in acie inlustres

1. *sententiisque* S. Ad. cum codd. mut. legebatur *sententiis*. 7. *magister istorum omnium*, incl. KS post Lamb.: habet Nonius, p. 344 M. 8. *meri*: Nonius p. 344 M. *innumeri*, codd.

φασιν, εἶναι δεινότατος, may fairly be interpreted to imply that Demosthenes knew of no published speeches of his, though Buttmann ad loc. argues that he is simply adapting his language to the ignorance of his audience. Cp. the reff. in Westermann, Gesch. der Bereds. § 39. 1, 2. For the style of Antiphon, the best representative of this stage in Attic prose, see Jebb's Attic Orators, i. pp. 18–44, and Introd. p. 30. For the reason why statesmen did not publish their speeches cp. Plat. Phaedr. 257 D *σύνοισθά που καὶ αὐτὸς, ὅτι οἱ μέγιστον δυνάμενοί τε καὶ σεμνότατοι ἐν ταῖς πόλεσιν αἰσχύνονται λόγους τε γράφειν καὶ καταλείπειν συγγράμματα ἑαυτῶν, δόξαν φοβούμενοι τοῦ ἔπειτα χρόνου, μὴ σοφισταὶ καλῶνται.*

3. **proponerent**: the past impf. subj. is often thus used of a *state* or *repeated* action in the past, where the pluperfect might have been expected. Cp. Roby, § 1530; Madv. § 347 b. obs. 2.

5. **Critiae**; none now extant, except in fragmentary quotations collected by Bach (Lips. 1827): he seems to have written poetry, biography, and *πολιτεῖαι*. Westerm. p. 58.

audimus: for the tense cp. i. 60. 255 (note).

6. **uberiore filo**, 'of richer texture,' i.e. not so *subtilis*: *filum* is properly 'thread.' but is frequently used thus metaphorically: cp. iii. 26. 103, and Reid on de Am. 7. 25, 'aliud quoddam filum orationis tuae.'

7. **Ecce tibi**; 'then mark you,' a phrase of transition, calling attention to what is coming, as something important. The *tibi* is quite general, as in § 85, Tusc. iii. 19. 44 'ecce tibi ex altera parte abs eodem poeta,' and is a *dativus ethicus*: cp. Roby, § 1150; Madv. § 248; Holden on de Off. iii. 21 83.

magister istorum omnium can hardly be taken as a gloss in face of the authority of Nonius: *istorum*, 'those friends of yours,' refers to the writers mentioned just below: cp. § 95.

8. **ex equo Troiano**, a comparison used by Cicero also in Phil. ii. 13. 32 'me... tanquam in equum Troianum cum principibus includis?' pro Cael. 28. 67, and in a different connexion in Verr. iv. 23. 52; and pro Mur. 37. 78.

meri principes, 'none but chieftains.' All MSS. have *innumeri*, but Nonius, p. 344, expressly reads *meri*. Ell. oddly asserts that Cicero does not use the word elsewhere, but it is quite common in the Epistles (e.g. ad Att. iv. 7. 1; ix. 13. 1; ib. 8) in exactly this sense, and furnishes another instance in which the language of the dialogues and the epistles differs from that of the speeches. Cp. note on i. § 247.

9. **in pompa**: Ern. well says (Clav. Cic. s. v.) 'pompa proprie est, quam nos hodie vocamus *eine Prozession, einen Aufzug* [a procession]: deinde quia illae pompae magnifice erant apparatae, propterea transfertur ad orationem *generis demonstrativi*, in qua omnibus ornamentis locus est, et quae imprimis ad ostentationem ingenii et eloquentiae pertinet et orationi forensi opponitur.' Cp. i. 18. 81; ii. 83. 388; iii. 45. 117 'scaenam pompamque,' and Or. 13. 42 'dulce igitur orationis genus et solutum et adfluens, sententiis argutum, verbis sonans est in illo epidictico genere, quod diximus proprium sophistarum, pompae quam pugnae aptius, gymnasiis et palaestrae dicatum, spretum et pulsum foro.' See also Reid on Lael. 26. 97. So in Addison, 'All the pomps of a Roman triumph.' For Prynne's in-

esse voluerunt. Atque et illi, Theopompi, Ephori, Philisti, Nau- 23
cratae multique alii naturis differunt, voluntate autem similes
sunt et inter sese et magistri; et ei, qui se ad causas contulerunt,
ut Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus
aliique complures, etsi inter se pares non fuerunt, tamen omnes
sunt in eodem veritatis imitandae genere versati, quorum quamdiu
mansit imitatio, tamdiu genus illud dicendi studiumque vixit;
posteaquam exstinctis his omnis eorum memoria sensim ob- 95
scurata est et evanuit, alia quaedam dicendi molliora ac remissiora
genera viguerunt. Inde Demochares, quem aiunt sororis filium
fuisse Demostheni; tum Phalereus ille Demetrius omnium isto-

1. *atque* Abγ. *atqui* K.P. Ell. 3. *et inter se magistri*: Abγ: K [*et*] *inter se* [*magistri*].

terpretation of 'pomps and vanities' of dramatic representations cp. Kingsley's Miscellanies, ii. p. 106.

For **partim** = alii cp. Roby, § 1429. The reference is here to the rhetorical historians on the one hand, and the forensic orators on the other. Translate 'some wished to win distinction in the parade of processions, others in the field of battle.'

1. **atque**: so the good MSS. for the Vulgate *itaque*: Ell. needlessly corrected *atqui*: 'and indeed' leads on to the statement of the reason why this fact was mentioned.

Philisti: Ell. and Henrichsen follow Goeller in correcting *Philisci*, on the ground that Philistus was not a pupil of Isocrates, and was earlier than Theopompus and Ephorus. But Quint. x. i. 74 mentions Philistus between Theopompus and Ephorus: and Philiscus of Miletus wrote only speeches and a treatise on rhetoric. Cp. Mure, Hist. of Greek Lit. v. 503 (note), and Westermann, § 50, note 10.

Naucrates of Erythrae wrote funeral speeches (Auct. Rhet. Dionys. vi. 1), and was vanquished by Theopompus in the famous competition for the prize offered by Artemisia for a panegyric on her husband Mausollus in B.C. 352. Cp. iii. 44. 173; Or. 51. 172 'omitto Isocratem, discipulosque eius Ephorum et Naucratem.'

For these plurals cp. i. 48. 211, and Bentley on Lucan, i. 267.

2. **voluntate**, as in § 92.

6. **genere veritatis imitandae**, 'style of representation of real life' = ἐν μιμήσει τῆς ἀληθείας: cp. §§ 31, 34; i. 17. 77 (note); Brut. 18. 70 'Canachi signa rigidiora esse, quam ut imitentur veritatem. Tusc. v. 5. 14 'Cum animum ab ista pictura imaginibusque virtutum ad rem veritatemque traduxeris,' where Kühner quotes ἔργων ἀλήθεια from Thuc. ii. 41. 2. There is no reasonable ground for suspecting either of these words. The orators are not mentioned quite in their chronological order: Lycurgus and Hyperides were born in or about B.C. 396, Aeschines in 389. Demosthenes probably in 385, and Dinarchus in 361: Demosthenes is placed first because of his unquestioned superiority; the rest then follow in their due order. Cicero's explanation of the change of style is hardly consistent with the fact that Demochares was trained under the direction of his uncle, and came forward as a public speaker in the year of his death. Mr. Jebb is far nearer the truth in his admirable discussion of the results of the decay of civic life on art (Attic Orators, ii. 433–438). The effects of the teaching of Isocrates are evident in all these orators: Hyperides 'joins the Lysian tradition to the Isocratic, Lycurgus to that derived from Antiphon; Demosthenes shows traces of the influence of Thucydides and Lysias as well as Isocrates: Aeschines, the clever and diligent amateur, shows by his failures how much patient science was needed to bring a faultless music out of all the tones which had now made themselves clear in Attic speech' (Jebb, ii. 432). Dinarchus was a mere imitator of Demosthenes (ib. ii. 374).

11. **Demostheni**: genitive: Roby, § 484: i. 19. 88 (note).

Phalereus ille Demetrius, a pupil

rum mea sententia politissimus, aliique horum similes exstiterunt.
Quae si volemus usque ad hoc tempus persequi, intellegemus, ut
hodie Alabandensem illum Meneclem et eius fratrem Hieroclem,
quos ego audivi, tota imitetur Asia, sic semper fuisse aliquem,
96 cuius se similis plerique esse vellent. Hanc igitur similitudinem
qui imitatione adsequi volet, cum exercitationibus crebris atque
magnis tum scribendo maxime persequatur; quod si hic noster
Sulpicius faceret, multo eius oratio esset pressior; in qua nunc
interdum, ut in herbis rustici solent dicere in summa ubertate,
97 inest luxuries quaedam, quae stilo depascenda est.' Hic Sulpicius
'me quidem' inquit 'recte mones, idque mihi gratum est; sed ne
te quidem, Antoni, multum scriptitasse arbitror.' Tum ille 'quasi
vero' inquit 'non ea praecipiam aliis, quae mihi ipsi desint: sed

4. *imitetur* Abγ, etc. *imitatur* K.

of Theophrastus, the only eminent orator of the school of Aristotle, governor of Athens under Cassander, 317–307, but expelled at last by Demetrius the son of Antigonus. After his expulsion he fled to Thebes and thence to Egypt, where he wrote many works, and was employed by Ptolemy in drawing up laws, and founding the famous Alexandrian library. In 283 he committed suicide. In Brut. 9. 37 Cicero says 'Phalereus enim successit eis senibus adulescens, eruditissimus ille quidem horum omnium, sed non tam armis institutus quam palaestra; itaque delectabat magis Athenienses quam inflammabat. Processerat enim in solem et pulverem, non ut e militari tabernaculo, sed ut e Theophrasti doctissimi hominis umbraculis.' Cp. de Off. i. 1. 3; de Leg. iii. 6. 14; Orat. 27. 94; Quintil. x. 1. 33. 80. It is more common in Cicero to put the qualifying adjective after the name, as in iii. 32. 138; but cp. § 360; i. 22. 103 'Leontinum Gorgiam;' iii. 32. 127 'Eleus Hippias;' 129 'Leontinus Gorgias,' etc.

3. **Meneclem**: Introd. p. 43.

5. **similitudinem**, § 53 (note).

7. **magnis**, 'extensive,' not, I think, as Sorof = *intentis*. Cp. §. 119 'exercitationis maximae;' iii. 27. 105 'maior est illa exercitatio;' in the face of these parallels Ell. brackets [atque magnis], 'cum intelligi non possint. Deberi puto inepto inepte explicaturo crebras!' This is gloss-hunting run mad.

scribendo, i. 33. 150; 60. 257; Quintil. x. 3. 1 'utilitatis etiam longe plurimum adfert stilus.' Lord Dufferin recently mentioned in public the practice of a friend, who before speaking on any important question would write out a speech seven or eight times, throwing each sheet, as he wrote it, into the fire. Similarly Lord Brougham wrote out repeatedly his more important speeches.

9. **in herbis**, 'in the case of,' i. q. 'de herbis.' Cp. de Off. i. 15. 46 'atque haec in moribus' = so much with regard to character (Holden), iii. 10. 41 'in eo rege,' and often.

in summa ubertate, to be joined with the preceding words, not, as by Ell. with those which follow, 'when there is a very great productiveness.' Cp. Verg. Georg. i. 112 'luxuriem segetum tenera depascit in herba.' Plin. xviii. 154 (Detlefsen) 'inter vitia segetum et luxuria est, cum oneratae fertilitate procumbunt:' ib. 161 'luxuria segetum castigatur dente pecoris in herba dumtaxat, et depastae quidem vel saepius nullam in spica iniuriam sentiunt.'

12. **scriptitasse**: 'written for the sake of practice,' as in § 51. The editors who quote pro Cluent. 50. 140 'hominem ingeniosum M. Antonium aiunt solitum esse dicere, idcirco se nullam unquam orationem scripsisse, ut si quid aliquando non opus esset ab se esse dictum, posset negare dixisse,' ignore the difference between writing for publication, or at any rate for private circulation, and writing for practice.

quasi vero: Madv. § 444 obs. 1: for the tense Holden on de Off. iii. 9. 39.

tamen ne tabulas quidem conficere existimor: verum et in hoc ex re familiari mea et in illo ex eo, quod dico, quantulum id cumque est, quid faciam iudicari potest. Atque esse tamen 98 multos videmus, qui neminem imitentur et suapte natura, quod velint, sine cuiusquam similitudine consequantur; quod et in vobis animadverti recte potest, Caesar et Cotta; quorum alter inusitatum nostris quidem oratoribus leporem quendam et salem, alter acutissimum et subtilissimum dicendi genus est consecutus; neque vero vester aequalis Curio, patre mea sententia vel eloquentissimo temporibus illis, quemquam mihi magno opere videtur imitari; qui tamen verborum gravitate et elegantia et copia suam quandam expressit quasi formam figuramque dicendi; quod ego maxime iudicare potui in ea causa, quam ille contra me apud centumviros pro fratribus Cossis dixit; in qua nihil illi defuit, quod non modo copiosus, sed etiam sapiens orator habere deberet.

4. *multos* incl. K post Bakium.

1. **tabulas**: cp. in Verr. i. 23. 60 'audimus aliquem tabulas numquam confecisse, quae est opinio hominum de M. Antonio falsa: nam fecit diligentissime.' It was considered a great disgrace for a Roman paterfamilias not to keep his accounts carefully (Pseud.-Ascon. ad l. c. Orell. p. 175; also in Bruns Fontes, p. 292, ed. 3; p. 318, ed. 4); and a creditor's account-books were admitted in law-courts, as evidence of a debt, under some circumstances. Cp. Gaius, iii. 128–134 with Muirhead's or Poste's notes.

in hoc, 'as to the latter charge:' it could be seen to be unjust, from the fact that his affairs were in no confusion.

2. **quantulum id cumque**, a tmesis (found here in Ab Lagg. 2. 36) rare, except with an inserted pronoun. The indic. is almost always used with such indefinite pronouns, as in i. 30. 135; cp. Kühner, ii. 787–8; for the apparent exception in iii. 16. 60 see note there.

5. **et** after a negative, where we should have 'but.'

et in vobis answers to 'neque vero —Curio' below.

6. **alter**, Introd. p. 24.

7. **leporem**, i. 5. 17 (note): **alter**, Introd. p. 19.

9. **Curio**, C. Scribonius, trib. pleb. in 90, consul in 76, proconsul in Macedonia 75–73; died in 53. His father was praetor in 121: of him Cicero says Brut. 32. 122 'Curio fuit igitur eiusdem aetatis fere [i. e. as the Gracchi] sane illustris orator, cuius de ingenio ex orationibus eius existimari potest: sunt enim et aliae et pro Ser. Fulvio de incestu nobilis oratio . . . . Scripsit enim alia nonnulla et multa dixit et illustria, et in numero patronorum fuit, ut eum mirer, cum et vita suppeditavisset et splendor ei non defuisset, consulem non fuisse.' The son is mentioned in Brut. 58. 210 'erant tamen, quibus videretur illius aetatis tertius Curio, quia splendidioribus fortasse verbis utebatur, et quia Latine non pessime loquebatur usu, credo, aliquo domestico:' he is criticised severely in the subsequent sections for his want of knowledge, order, and memory. The son of this man again was the well-known adherent of Caesar, tribune in B.C. 50.

patre . . . eloquentissimo: abl. qual.: cp. in Cat. i. 2. 4 'clarissimo patre' = 'the son of a most illustrious father:' Tusc. i. 55. 85 'Metellus ille honoratis quattuor filiis:' Nägelsb. § 52. 2; Roby, § 1232.

12. **quasi** because *forma* is used metaphorically for 'model:' cp. iii. 9. 31.

14. **centumviros**: i. 38. 173 (note). Nothing further is known of this particular case.

cc. 24–26. ***In dealing with a particular case Antonius requires first, that the facts of the case should be thoroughly mastered, and states his own practice in this respect*** **(§§ 99–103).** ***Then the point at issue is at once perceived, which must come under one***

24 Verum ut aliquando ad causas deducamus illum, quem consti-
99 tuimus, et eas quidem, in quibus plusculum negotii est, iudiciorum atque litium—riserit aliquis fortasse hoc praeceptum; est enim non tam acutum quam necessarium magisque monitoris non fatui quam eruditi magistri—hoc ei primum praecipiemus, quascumque causas erit tractaturus, ut eas diligenter penitusque
100 cognoscat. Hoc in ludo non praecipitur; faciles enim causae ad pueros deferuntur; lex peregrinum vetat in murum ascendere; ascendit; hostis reppulit: accusatur. Nihil est negotii eius modi causam cognoscere; recte igitur nihil de causa discenda praecipiunt; [haec est enim in ludo causarum formula fere.] At vero in foro tabulae, testimonia, pacta, conventa, stipulationes, cognationes, adfinitates, decreta, responsa, vita denique eorum, qui in causa versantur, tota cognoscenda est; quarum rerum neglegentia plerasque causas et maxime privatas—sunt enim
101 multo saepe obscuriores—videmus amitti; ita non nulli, dum operam suam multam existimari volunt, ut toto foro volitare et a causa ad causam ire videantur, causas dicunt incognitas; in quo est illa quidem magna offensio vel neglegentiae, susceptis

1. *constituimus* codd. *instituimus*, correxit Em. 11. [*haec est . . . fere*]: incl. Bakius, KSP.

of three heads, as to fact, or nature, or definition. These three heads are separately discussed (§§ 104–113).

1. **aliquando** = 'tandem aliquando,' as often in Cicero: cp. § 274; Tusc. Disp. i. 1 (Kühner), Kritz on Sall. Jug. 72. 1.

quem constituimus: 'whom we are setting up,' sc. *ante oculos*, i.e. whose portrait we are painting. As the whole of this passage treats of the *institutio oratoria*, it is an easy, but needless correction to read with Em. Kayser and Sorof 'instituimus.' We may notice however that the MSS. give 'constituta' for 'instituta' in Tusc. D. iv. 1. 3, where their reading cannot be defended. See Kühner ad loc.

2. **iudiciorum atque litium**: not (as Sorof) suits public and private, criminal and civil actions (cp. de. Off. i. 18. 59 'si lis in iudicio sit'): but rather 'trials and suits'; the *iudicium* being the method of deciding the *lis*, which had previously been discussed *in iure*. [For *lit*, the earlier *stlit* = streit, cp. Vaniček, Et. W. p. 1152; Fick, Wtb³. i. 828.]

3. **riserit**, fut. perf. Roby, vol. ii. pp. ci–cvi. and § 1553.

8. **lex**, etc. Although *exempli causa*, or for a more passing reference *verbi causa* or *gratia* are not unknown to Cicero, he more frequently omits any such phrase, as here: *exempli gratia* (our *e.g.*) does not seem to have any authority earlier than Quintilian. This same illustration is quoted by Quintilian vii. 9. 6.

12. **tabulae** 'documents.' § 116.

pacta, 'bargains;' cp. de Inv. ii. 22. 68 'pactum est quod inter aliquos convenit.'

conventa, 'agreements:' but the phrase *pactum conventum*, expressing the same act from the point of view of the two parties to it, like our contract of 'letting and hiring,' is so common in legal language, that it is better to take the two together: cp. Gaius, iv. 116 'obligatio pacto convento non tollitur: sed placet debere me petentem per exceptionem pacti conventi repelli.' For **stipulatio** cp. note on i. 38. 174.

13. **decreta** magistratuum. **responsa** iurisconsultorum.

17. **operam**, 'practice.'

volitare: i. 38. 173.

19. **neglegentiae**: 'arising from carelessness,' a gen. causae.

rebus, vel perfidiae, receptis; sed etiam illa maior opinione,
quod nemo potest de ea re, quam non novit, non turpissime
dicere: ita dum inertiae vituperationem, quae maior est, con-
temnunt, adsequuntur etiam illam, quam magis ipsi fugiunt,
tarditatis. Equidem soleo dare operam, ut de sua quisque re 102
me ipse doceat et ut ne quis alius adsit, quo liberius loquatur, et
agere adversarii causam, ut ille agat suam et quicquid de sua re
cogitarit in medium proferat: itaque cum ille discessit, tris per-
sonas unus sustineo summa animi aequitate, meam, adversarii,
iudicis. Qui locus est talis, ut plus habeat adiumenti quam
incommodi, hunc iudico esse dicendum; ubi plus mali quam
boni reperio, id totum abiudico atque eicio. Ita adsequor, ut alio 103
tempore cogitem quid dicam et alio dicam; quae duo plerique
ingenio freti simul faciunt; sed certe eidem illi melius aliquanto
dicerent, si aliud sumendum sibi tempus ad cogitandum, aliud
ad dicendum putarent. Cum rem penitus causamque cognovi, 104
statim occurrit animo, quae sit causa ambigendi; nihil est enim,
quod inter homines ambigatur, sive ex crimine causa constat, ut

12. *abiudico* Ab: *ab iuditio* γ: *abdico* KP Ell. cum Lgg. 2, 13, 36. 18. *sive . . . vivendi*: incl. K. *sive ex persona ut laudis*, incl. Ell. S. tuetur Kiessling (Rhein. Mus. N. S. xxviii. 497).

susceptis . . . receptis: the current distinction between *suscipere* = 'to take up unasked' and *recipere* = 'to take up by request' is not quite accurate, as Ell. shows in his note here by a collection of examples. Heitland's note on Div. in Q. Caec. 8. 26 'ego in hoc iudicio mihi Siculorum causam receptam, populi Romani susceptam esse arbitror,'—'*receptam* as in duty bound, *susceptam* of my own free-will,'—ignores the promise which is essential to *recipere*. Madvig's note on de Fin. i. 20. 68 'recipiuntur tantum ea quae demandata et tradita sic suscipimus ut promittamus aliquid et rationem debeamus' goes a little too far in the words 'demandata et tradita.'

1. **opinione**, 'as is commonly thought,' not an abl. comp.: cp. § 210 'illa excellens opinione fortuna.'

3. **inertiae**: 'laziness.'

quae maior est, 'which is really a more serious one.'

5. **tarditatis**, 'incapacity,' i. 27. 125. Ell. exactly inverts the real force of the two words: it is really a more serious charge to have failed to get up a case from laziness, than to be incapable of dealing with it skilfully. But it is a common-place with moralists that most men would rather be thought knaves than fools.

6. **adsit**. Ell. with eight Lg. MSS. reads *assit*. This doubtless represents the usual pronunciation (cp. Roby, i. p. 49 note); but there is not sufficient authority for adopting it as a matter of orthography: it never appears in good inscriptions.

8. **in medium proferat**, 'may advance.'

9. **summa animi aequitate**, 'with the most evenly balanced feelings,' not as Pid. and Sorof, 'with the greatest calmness,' though this meaning is often found, i. e. de Sen. 1. 1 (Reid), Tusc. Disp. i. 40. 97.

10. **locus**: 'line of argument.' §§ 134, 136, 191; cp. i. 13. 56 (note).

12. **abiudico**, 'reject,' with a play on the preceding *iudico*.

adsequor: 'I secure this result.'

17. **causa ambigendi**, 'the point at issue:' for the *constitutio causae* cp. Introd. p. 54. Antonius by using the word **statim** implicitly rejects the doctrine of the schools, which made this a very elaborate affair.

18. **sive ex crimine, etc.** We have

facinoris, sive ex controversia, ut hereditatis, sive ex deliberatione, ut belli, [sive ex persona, ut laudis,] sive ex disputatione, ut de ratione vivendi; in quo non aut quid factum sit aut fiat
25 futurumve sit quaeratur aut quale sit aut quid vocetur. Ac
105 nostrae fere causae, quae quidem sunt criminum, plerumque infitiatione defenduntur; nam et de pecuniis repetundis quae maximae sunt, neganda fere sunt omnia, et de ambitu raro illud datur, ut possis liberalitatem atque benignitatem ab ambitu atque largitione seiungere; de sicariis, de veneficiis, de peculatu infitiari necesse est: id est igitur genus primum causarum in iudiciis ex controversia facti; in deliberationibus plerumque ex
106 futuri, raro ex instantis aut acti. Saepe etiam res non sit necne, sed qualis sit quaeritur; ut cum L. Opimii causam defendebat apud populum, audiente me, C. Carbo consul, nihil de C. Gracchi

4. *quid vocetur*, K Ad. *qui vocetur* PS. 6. *infitiatione* A. *inficiatione* codd. fere omnes: *quae maximae sunt*: incl. K. 12. *acti* correxit J. S. Reid: codd. *facti*.

here (1) forensic oratory, subdivided into (*a*) criminal, (*b*) civil cases; (2) deliberative, either (*a*) practical or (*b*) theoretical. The introduction of panegyric oratory between the two subdivisions of deliberative spoils the symmetry, and is due to a gloss.

2. **disputatione**, 'discussion,' as in the title *Tusculanae disputationes*.

6. **quae maximae sunt**, not only for the severity of the penalty involved, and the magnitude of the sums at stake, but especially because they were generally made the occasion for political struggles.

7. **raro datur**, etc. i. e. it is rarely possible to draw the line between liberality and bribery, therefore it is safer to deny the prosecutor's facts.

9. **de veneficiis**: the MS. authority for *veneficis* is but slight; otherwise it would be tempting to adopt the combination 'de sicariis, de veneficis' familiar from the Lex Cornelia.

11. **ex controversia facti**: 'that which is based upon a dispute as to fact.' Nägelsb. p. 22 well quotes this as an instance of an expression which in Greek would have been preceded by the definite article: cp. de Fin. ii. 5. 16 'sic enim appellant hanc dulcem; in motu (= τὴν ἐν κινήσει ἡδονήν), illam nihil dolentis: in stabilitate' (= τὴν ἐν στάσει): de Fat. 1. 1 'nos eam partem philosophiae de moribus (= τὴν περὶ τῶν ἠθῶν) appellare solemus.'

ex futuri, etc. controversia causa constat.

12. **ex instantis**: cp. Tusc. D. iv. 6. 11 'quae enim venientia metuuntur, eadem adficiunt aegritudine instantia.'

Mr. Reid, to whom the excellent correction *acti* is due, says, '*factum* in the preceding clause is a noun; the two participles *instantis* and *futuri* are in agreement with it: so must *facti* be: but *facti facti* is absurd. By reading *acti* we get the regular contrast to *futuri*.'

res non sit necne: i.e. 'res non quaeritur utrum sit an non sit.'

14. **C. Carbo**, in the year of his consulship, 120, defended L. Opimius, when prosecuted by P. Decius, the trib. pleb., for his murder of Gaius Gracchus and his followers the previous year. Cp. Mommsen, iii. p. 132. For his prosecution by L. Crassus cp. Introd. p. 8. Carbo had previously been a warm supporter of Ti. Gracchus, and was one of the commissioners appointed to carry out his agrarian laws (Mommsen, iii. 101): the occasion and reason of his desertion of the popular party (ib. iii. 106) is not known. For the answer of Scipio cp. Liv. Per. lix 'cum Carbo tribunus plebis rogationem tulisset, ut eundem tribunum plebi, quoties vellet, creare liceret; rogationem eius P. Africanus gravissima oratione dissuasit: in qua dixit, Ti. Gracchum iure caesum videri:' pro Mil. 3. 8 'nisi vero existimatis dementem P. Africanum fuisse, qui cum a C. Carbone trib. pl. in contione seditiose interrogaretur quid de Ti. Gracchi morte sentiret, re-

nece negabat, sed id iure pro salute patriae factum esse dicebat;
ut eidem Carboni tribuno plebis alia tum mente rem publicam
capessenti P. Africanus de Ti. Graccho interroganti responderat
iure caesum videri; iure autem omnia defenduntur, quae sunt
eius generis, ut aut oportuerit aut licuerit aut necesse fuerit aut
imprudentia aut casu facta esse videantur. Iam quid vocetur, 107
quaeritur, cum quo verbo quid appellandum sit, contenditur; ut
mihi ipsi cum hoc Sulpicio fuit in Norbani causa summa con-
tentio; pleraque enim de eis, quae ab isto obiciebantur, cum
confiterer, tamen ab illo maiestatem minutam negabam, ex quo
verbo lege Appuleia tota illa causa pendebat. Atque in hoc 108
genere causarum non nulli praecipiunt ut verbum illud, quod
causam facit, breviter uterque definiat, quod mihi quidem per-
quam puerile videri solet: alia est enim, cum inter doctos
homines de eis ipsis rebus, quae versantur in artibus, disputatur,
verborum definitio, ut cum quaeritur, quid sit ars, quid sit lex,
quid sit civitas, in quibus hoc praecipit ratio atque doctrina, ut
vis eius rei, quam definias, sic exprimatur, ut neque absit quic-
quam neque supersit; quod quidem in illa causa neque Sulpicius 109
fecit neque ego facere conatus sum; nam quantum uterque nos-
trum potuit, omni copia dicendi dilatavit, quid esset maiestatem
minuere: etenim definitio primum reprehenso verbo uno aut
addito aut dempto saepe extorquetur e manibus; deinde genere

6. *quid vocetur* K Ad.: *qui vocetur* PS, e coni. 13. *breviterque definiat* Abγ: *breviter uterque* S post Halmium: *lucide breviterque uterque,* P Ad. codd. recentiores: (*dilucide* K).

sponderit iure caesum videri.' Plut. (Ti. Gracch. c. 21) tells us that when Scipio heard at Numantia the news of his death, he quoted the line of Homer (Od. i. 47) ὡς ἀπόλοιτο καὶ ἄλλος ὅτις τοιαῦτά γε ῥέζοι.

4. **iure**, 'by an appeal to justice.'

5. **necesse fuerit**, e.g. in self-defence, the line which Cicero takes up in his defence of Milo.

7. **quid**, indefinite: Roby, § 2272.

11. **lege Appuleia**; first properly explained by Mommsen, iii. 187. It was not a general law of high treason, but one appointing a special commission to investigate the treasons that had been committed during the Cimbrian troubles.

13. **perquam puerile**: § 271; i. 49. 214 (note).

15. **artibus**: here 'sciences,' i.e. branches of (theoretical) knowledge.

17. **ratio atque doctrina**, 'scientific method.'

20. **uterque nostrum**: the genitive is regular with pronouns, but not with substantives: cp. Roby, § 1293; Kühner, ii. p. 313. The 3 sing. always seems to be used in such cases (cp. below, § 126), though we have sometimes the 3 plur. after *uterque* with a pronoun of the third person: e.g. Caes. B. C. iii. 30 'uterque eorum . . exercitum educunt.'

22. **reprehenso verbo uno aut addito aut dempto**, 'if objection be taken to the addition or subtraction of a single word.'

23. **extorquetur**, Quintilian, vii. 3. 17 accepts the doctrine from Cicero: cp. §§ 19–27. His equivalent for *definitio* is *finitio*.

genere ipso, 'by its very nature:' the *genus* is the class to which a thing belongs, and hence the characteristic

ipso doctrinam redolet exercitationemque paene puerilem; tum et in sensum et in mentem iudicis intrare non potest, ante enim
26 praeterlabitur, quam percepta est. Sed in eo genere, in quo
110 quale sit quid, ambigitur, exsistit etiam ex scripti interpretatione saepe contentio, in quo nulla potest esse nisi ex ambiguo controversia; nam illud ipsum, quod scriptum a sententia discrepat, genus quoddam habet ambigui; quod tum explicatur, cum ea verba, quae desunt, suggesta sunt, quibus additis defenditur sententiam scripti perspicuam fuisse; ex contrariisque scriptis si quid ambigitur, non novum genus nascitur, sed superioris generis causa duplicatur; idque aut numquam diiudicari poterit aut ita diiudicabitur, ut referendis praeteritis verbis id scriptum, quodcumque defendemus, suppleatur; ita fit, ut unum genus in eis causis, quae propter scriptum ambiguntur, relinquatur, si est
111 scriptum aliquid ambigue; ambiguorum autem cum plura genera sunt, quae mihi videntur ei melius nosse, qui dialectici appellantur, hi autem nostri ignorare, qui non minus nosse debeant, tum illud est frequentissimum in omni consuetudine vel sermonis vel scripti, cum idcirco aliquid ambigitur, quod aut verbum aut
112 verba sint praetermissa. Iterum autem peccant, cum genus hoc causarum, quod in scripti interpretatione versatur, ab illis causis, in quibus, qualis quaeque res sit, disceptatur, seiungunt; nusquam enim tam quaeritur, quale sit genus ipsum rei quam in
113 scripto, quod totum a facti controversia separatum est. Ita tria sunt omnino genera, quae in disceptationem et controversiam

qualities, by virtue of which it belongs to a particular class.

6. **a sententia,** 'from the general drift of the context,' not necessarily (as Sorof says) maintained by one party to the suit. The general purport may be clear; but one side may maintain that the literal force of the words in question must be accepted, even though at variance with what both sides admit to be the purport of the context.

8. **defenditur,** 'it is maintained:' cp. note on i. 39. 178.

9. **ex contrariis scriptis,** 'from writings which contradict one another.' Cp. ad Her. i. 11. 20 'ex contrariis legibus.'

12. **referendis praeteritis verbis**: cp. Or. 34. 131 'si quando aliud in sententia videtur esse, aliud in verbis, genus est quoddam ambigui, quod ex praeterito verbo [= 'from the omission of a word'] fieri solet.' This seems to decide the meaning of 'praeteritis,' here, as against Sorof, who holds that it equals 'superioribus.' The passage he quotes from de Inv. ii. 40. 117 'deinde ex superiore scriptura docendum, id quod quaeratur fieri perspicuum,' only shows that a reference back might sometimes remove ambiguity, while the other force of the word is the more common and gives more point here. Cp. Acad. ii. 45 'quae ab eis dicuntur sic persequamur ut nihil ex praeteritis relinquamus:' and the use of Praeterita = Παραλειπόμενα as a title for the books of Chronicles.

17. **hi nostri,** i. e. our friends the rhetoricians.

qui debeant (needlessly altered by Ern. into *debebant*), 'though they ought:' cp. i. 18. 82 (note).

20. **praetermissa** does not differ from *praeterita*, except as carrying more of the force of accidental omission.

cadere possint: quid fiat factum futurumve sit, aut quale sit, aut quo modo nominetur; nam illud quidem, quod quidam Graeci adiungunt, 'rectene factum sit,' totum in eo est 'quale sit.' Sed iam ad institutum revertar meum.

Cum igitur accepta causa et genere cognito rem tractare coepi, **27**
nihil prius constituo, quam quid sit illud, quo mihi sit referenda **114**
omnis illa oratio, quae sit propria quaestionis et iudicii; deinde illa duo diligentissime considero, quorum alterum commendationem habet nostram aut eorum, quos defendimus, alterum est adcommodatum ad eorum animos, apud quos dicimus, ad
id, quod volumus, commovendos. Ita omnis ratio dicendi tribus **115**
ad persuadendum rebus est nixa: ut probemus vera esse, quae defendimus; ut conciliemus eos nobis, qui audiunt; ut animos

5. *accepta causa et genere cognito* KPS post Bakium. *accepto causae genere cognitam* Abγ. *accepto causae genere et cognito* Ell.

2. **quidam Graeci**, i. e. especially Hermagoras: cp. de Inv. i. 11. 16. This was called the *constitutio translativa*, and dealt with the question of the competence of the accuser, or the court or the like.

3. **in eo 'quale sit,'** under the head of 'what kind it is.'

cc. 27–35. *Antonius points out the three things necessary for the proper treatment of a case:* (1) *to establish the facts;* (2) *to secure the favour of the judges;* (3) *to excite their feelings* (§ 115). *The case is established* (1) *by evidence or* (2) *by arguments* (§ 116). *The method of handling evidence, and the general arguments as to the value of various kinds, ought to be familiar to the orator from previous reflexion and practice* (§§ 117–119). *He offers to deal with the invention of arguments, leaving the discussion of the most effective way of stating them to Crassus* (§§ 120–123). *Crassus urges Antonius to deal himself with a matter which he is so well qualified to treat, and begs him to explain his own practice* (§§ 124–128). *Antonius proceeds to show that a case should be treated by the aid of general points of view* (loci, § 130), *which however can be handled properly only by a practised orator* (§ 131). *The point on which the case turns can always be brought under some general proposition, and it is a great blunder on the part of the rhetoricians to distinguish between general propositions and particular instances* (§§ 132–133): *this is shown by examples* (§§ 134–135), *which prove that the infinite variety of cases presenting themselves in practice can be brought under comparatively few heads* (§§ 136–142). *After a brief digression intended to keep up the conversational character of the exposition* (§§ 143–145), *Antonius explains that the sources from which arguments can be derived for dealing with these general heads must be thoroughly known: this knowledge is a matter partly of natural acuteness, partly of theory, but mainly of attentive study* (§§ 146–151).

Antonius returns to the point from which he had digressed in § 104, 'After I have heard a statement of the case and ascertained to what class it belongs.'

7. **illa oratio**, i. e. the *probatio*, viz. what is the point on which the whole question turns.

8. **commendationem**: §§ 182 ff. 213, 315. Or. 37. 128 'duo sunt, qui bene tractata ab oratore admirabilem eloquentiam faciunt; quorum alterum est, quod Graeci ἠθικὸν vocant, ad naturas et ad mores et ad omnem vitae consuetudinem accommodatum; alterum, quod eidem παθητικὸν nominant, quod perturbantur animi et concitantur, in quo uno regnat oratio. Illud superius come, iucundum, ad benevolentiam conciliandam paratum: hoc vehemens, incensum, incitatum, quo causae eripiuntur.' For the difference of the various uses of ἦθος cp. Cope's Introduction, pp. 108–113.

12. **ad persuadendum**: emphatic from its position, and contrasted with 'ad probandum' below: 'all oratory relies for the production of *persuasion*, upon three things.' Not as Nägelsb. p. 203.

116 eorum, ad quemcumque causa postulabit motum, vocemus. Ad probandum autem duplex est oratori subiecta materies: una rerum earum, quae non excogitantur ab oratore, sed in re positae ratione tractantur, ut tabulae, testimonia, pacta, conventa, quaestiones, leges, senatus consulta, res iudicatae, decreta, responsa, reliqua, si quae sunt, quae non ab oratore pariuntur, sed ad oratorem [a causa atque] a reis deferuntur; altera est, quae tota
117 in disputatione et in argumentatione oratoris conlocata est; ita in superiore genere de tractandis argumentis, in hoc autem etiam de inveniendis cogitandum est. Atque isti quidem, qui docent, cum causas in plura genera secuerunt, singulis generibus argumentorum copiam suggerunt; quod etiamsi ad instituendos adulescentulos magis aptum est, ut, simulac posita causa sit, habeant quo se referant, unde statim expedita possint argumenta depromere, tamen et tardi ingenii est rivulos consectari, fontis rerum non videre, et iam aetatis est ususque nostri a capite quod
118 velimus arcessere et unde omnia manent videre. Et primum genus illud earum rerum, quae ad oratorem deferuntur, me-

7. *a causa atque a re* Abγ Lagg. 2, 4, 13, 32, 36: *a causa atque* incl. K.

1. **Ad probandum**, etc. Here Cicero very closely follows Aristotle (Rhet. i. 2) *τῶν δὲ πίστεων αἱ μὲν ἄτεχνοί εἰσιν αἱ δ' ἔντεχνοι. ἄτεχνα δὲ λέγω ὅσα μὴ δι' ἡμῶν πεπόρισται ἀλλὰ προϋπῆρχεν, οἷον μάρτυρες βάσανοι συγγραφαὶ καὶ ὅσα τοιαῦτα, ἔντεχνα δὲ ὅσα διὰ τῆς μεθόδου καὶ δι' ἡμῶν κατασκευασθῆναι δυνατόν, ὥστε δεῖ τούτων τοῖς μὲν χρήσασθαι τὰ δὲ εὑρεῖν. Τῶν δὲ διὰ τοῦ λόγουποριζομένων πίστεων τρία εἴδη ἐστίν· αἱ μὲν γάρ εἰσιν ἐν τῷ ἤθει τοῦ λέγοντος, αἱ δὲ ἐν τῷ τὸν ἀκροατὴν διαθεῖναί πως, αἱ δὲ ἐν αὐτῷ τῷ λόγῳ διὰ τοῦ δεικνύναι ἢ φαίνεσθαι δεικνύναι.* This division became quite a commonplace of rhetoricians: 'consensum fere omnium meruit' (Quintil. v. i. 1); cp. Or. 21. 69; 37. 128. Brut. 49. 185, etc.

4. **quaestiones**, = 'tormenta' in Quintil. l. c.; the evidence given under torture: cp. Or. part. 14. 50 'saepe etiam quaestionibus resistendum est, quod et dolorem fugientes multi in tormentis ementiti persaepe sunt, morique maluerunt falsum fatendo, quam infitiando dolere.' On the value of evidence thus obtained cp. Ar. Rhet. i. 15. 26. Cope's Introduction, p. 201 [' it plainly appears that his opinion as to the use of torture in extracting evidence is that it is cruel, unnecessary, and futile '], Cicero, pro Sull. 28. 78, Antiphon, v. 31 ff., and the very interesting Appendix viii. in C. R. Kennedy's Demosthenes, vol. iv. pp. 382–391.

5. **res iudicatae** = 'praeiudicia,' 'previous decisions.' For the use of these cp. Cicero, pro Cluent. c. 17 sq., pro Mil. c. 5, Demosth. in Mid. 2, contra Eubul. 6.

7. **reis**, 'the parties to the suit,' § 78 (note).

altera est, an anacoluthon, changing from apposition to an independent proposition: cp. i. 27. 123 (note), and below, § 295.

13. **posita sit**: § 2.

14. **quo se referant**: i. 32. 145.

expedita, 'ready for use,' as in § 118.

15. **rivulos**: i. e. the ready-made *argumenta* for special cases: cp. Acad. i. 2. 8 'sed meos amicos, in quibus est studium, in Graeciam mitto . . ut ea e fontibus potius hauriant, quam rivulos consectentur.'

16. **videre**, 'look out for,' much as in iii. 1. 2 (note), Tusc. D. iii. 19. 46 'aliquid videamus et cibi,' with Kühner's note. Cp. also Theocr. xv. 2 *ὅρη δίφρον*, Εὐνόα, *αὐτᾷ*, and Soph. Aj. 1165 *σπεῦσον κοίλην κάπετόν τιν' ἰδεῖν.*

a capite: i. 10. 42 (note) 44. 195.

18. **genus earum rerum**, an explanatory genitive, as in § 63, 128, 200, 341, etc.

ditatum nobis in perpetuum ad omnem usum similium rerum
esse debebit; nam et pro tabulis et contra tabulas et pro testibus
et contra testis et pro quaestionibus et contra quaestiones et
item de ceteris rebus eiusdem generis vel separatim dicere
solemus de genere universo vel definite de singulis temporibus,
hominibus, causis; quos quidem locos—vobis hoc, Cotta et Sul-
pici, dico—multa commentatione atque meditatione paratos atque
expeditos habere debetis; longum est enim nunc me explicare, 119
qua ratione aut confirmare aut infirmare testis, tabulas, quaestiones
oporteat: haec sunt omnia ingenii vel mediocris, exercitationis
autem maximae; artem quidem et praecepta dumtaxat hactenus
requirunt, ut certis dicendi luminibus ornentur. Itemque illa, 120
quae sunt alterius generis, quae tota ab oratore pariuntur,
excogitationem non habent difficilem, explicationem magis in-
lustrem perpolitamque desiderant; itaque cum haec duo nobis
quaerenda sint in causis, primum quid, deinde quo modo dicamus,
alterum, quod totum arte tinctum videtur, tametsi artem requirit,
tamen prudentiae est paene mediocris quid dicendum sit videre;
alterum est, in quo oratoris vis illa divina virtusque cernitur, ea,
quae dicenda sunt, ornate, copiose varieque dicere. Qua re illam **28**
partem superiorem, quoniam semel ita vobis placuit, non recusabo 121
quo minus perpoliam atque conficiam—quantum consequar, vos
iudicabitis—quibus ex locis ad eas tris res, quae ad fidem
faciendam solae valent, ducatur oratio, ut et concilientur animi
et doceantur et moveantur; [haec sunt enim tria.] Ea vero

25. *haec sunt enim tria* incl. KS. *ea vero*: maluit K. *haec vero.*

1. **in perpetuum**, etc., 'with a view to the future for our use in all similar cases.'

4. **separatim**, 'in the abstract;' apparently the only instance in which this word is so used: *infinite* is more common: but *separare* may sometimes properly be translated 'abstract.'

5. **definite**, 'in a concrete instance:' cp. iii. 28. 109, and below § 133: also de Rep. ii. 31. 55 'illustribus in personis temporibusque exempla hominum rerumque definio' = 'I give a definite concrete character to my illustrations by quoting famous persons and periods.'

6. **locos**, 'topics.'

8. **longum est**: for the indicative (which is regular in this phrase) cp. Roby, § 1535 a.

11. **dumtaxat**: cp. i. § 249 (note).

hactenus, 'so far:' never in classical Latin of time: cp. Seyffert on Lael. 7. 24.

12. **dicendi luminibus**, 'ornaments of style:' cp. § 36, and iii. 52. 201 ff.

14. **non habent**, 'do not involve,' cp. iii. 10. 38 'cognitionem habent facilem.'

17. **totum arte tinctum**: 'entirely a matter of theory,' because the theoretical rhetoricians dealt almost exclusively with this side of the subject. For the metaphor cp. Nägelsb. Stil. p. 391.

23. **quibus ex locis**, 'from what general heads,' i. e. what τόποι or *sedes argumentorum* are to be employed. The clause 'quibus . . . ducatur' is a dependent one, explanatory of 'partem superiorem.'

25. [**haec sunt enim tria**]. These words are rightly bracketed by most recent editors, though Pid. attempts to defend them, as bringing into additional promi-

quem ad modum inlustrentur, praesto est, qui omnis docere possit, qui hoc primus in nostros mores induxit, qui maxime
122 auxit, qui solus effecit. Namque ego, Catule,—dicam enim non reverens adsentandi suspicionem—neminem esse oratorem paulo inlustriorem arbitror [neque Graecum neque Latinum] quem aetas nostra tulerit, quem non et saepe et diligenter audierim, itaque si quid est in me—quod iam sperare videor, quoniam quidem vos, his ingeniis homines, tantum operae mihi ad audiendum datis—ex eo est, quod nihil quisquam umquam me audiente egit orator, quod non in memoria mea penitus insederit: itaque ego is, qui sum, quantuscumque sum ad iudicandum, omnibus auditis oratoribus, sine ulla dubitatione sic statuo et iudico, neminem omnium tot et tanta, quanta sint in Crasso,
123 habuisse ornamenta dicendi. Quam ob rem, si vos quoque hoc idem existimatis, non erit, ut opinor, iniqua partitio, si, cum ego hunc oratorem, quem nunc fingo, ut institui, crearo, aluero,

5. *neque Graecum neque Latinum* post Bakium incl. KP. tuentur Ad. S. 10. *orator* om. B. incl. K. 16. *oratorem* incl. K.

nence the simplicity of the division adopted by Antonius, as compared with the 'schematism' of the school rhetoric.

Ea vero quem ad modum illustrentur: the stress lies on the last word. Antonius means, 'I will do my best to teach you what to say: but you must look to Crassus, the introducer and greatest living master of style, to teach you how to say it.'

2. **possit**: hypoth. subj. 'could, if he chose.'

qui, viz. 'the man who.'

hoc, i.e. the *oratione illustrare* or *ornate dicere.*

in nostros mores induxit, 'made it the rule with us' to aim at good style: there is no reason for altering *mores* with Bake.

3. **effecit**, 'carried it to perfection.'

Namque, as often, stands at the head of a sentence, which does not itself state the reason for a foregoing assertion, but is only introductory to it. 'I say this, for, after hearing all the best Greek and Roman orators, my judgment is that no one possessed so many *ornamenta dicendi* as Crassus.'

Catule; especially addressed because of his wide knowledge of letters.

4. **reverens**, rarely used thus for 'dreading' with any subordinate notion of respect, but cp. Tusc. i. 30. 73 'multa adversa reverens.'

neminem . . . oratorem: according to the rule for the construction of substantives descriptive of persons. Cp. Or. 30 'Nemo enim orator tam multa scripsit:' Tusc. v. 22. 63 'adhuc neminem cognovi poetam.' Madv. § 91, obs.

6. **et saepe et diligenter audierim**, an evident exaggeration: Antonius had heard some of the most eminent at Athens and at Rhodes, but it is doubtful whether this will defend the retention of the bracketed words.

7. **sperare videor**; 'h. e. sperare posse et debere videor, iure meo sperare videor: vide Cic. p. Planc. 3. 8, Act i. in Verr. 17. 50, Lael. 4. 15, ad Fam. xiii. 68.' Madvig apud Henrichs.

10. **in memoria mea**: Brut. 37. 139 'erat (Antonius) memoria summa:' hence he is made to discourse upon memory in §§ 350–360 below.

insederit: for the tense cp. § 230, and Roby, § 1516; for the construction with *in* and the abl. cp. Tusc. D. ii. 4. 11 'in animo poeti . . insedit oratio;' ad Att. i. 11; pro Balb. i. 4.

11. **quantuscumque sum**, § 97.

16. **crearo**, etc., i.e. when I have shown what natural capacities he must possess, what knowledge he must acquire, and how he is to develope his powers by practice.

confirmaro, tradam eum Crasso et vestiendum et ornandum.'
Tum Crassus, 'tu vero,' inquit 'Antoni, perge, ut instituisti; 124
neque enim est boni neque liberalis parentis, quem procrearis et eduxeris, eum non et vestire et ornare, praesertim cum te locupletem esse negare non possis. Quod enim ornamentum, quae vis, qui animus, quae dignitas illi oratori defuit, qui in causa peroranda non dubitavit excitare reum consularem et eius diloricare tunicam et iudicibus cicatrices adversas senis imperatoris ostendere? qui idem, hoc accusante Sulpicio, cum hominem seditiosum furiosumque defenderet, non dubitavit seditiones ipsas ornare ac demonstrare gravissimis verbis multos saepe impetus populi non iniustos esse, quos praestare nemo posset; multas etiam e re publica seditiones saepe esse factas, ut cum reges essent exacti, ut cum tribunicia potestas constituta; illam Norbani seditionem ex luctu civium et ex Caepionis odio, qui exercitum amiserat, neque reprimi potuisse et iure esse conflatam? potuit hic locus tam anceps, tam inauditus, tam lubricus, 125
tam novus sine quadam incredibili vi ac facultate dicendi tractari? quid ego de Cn. Mallii, quid de Q. Regis commiseratione dicam?

4. **eduxeris,** 'reared:' cp. Ter. Ad. 23 'hunc eduxi a parvulo.' *Educere*, when used of children, is more commonly applied to bodily nurture, *educare*, to mental training. Cp. Krebs, Antibarbarus, p. 395.

7. **reum consularem,** i. e. M'. Aquilium: cp. § 194, and in Verr. v. 1. 3 'venit mihi in mentem, in iudicio M'. Aquilii quantum auctoritatis, quantum momenti oratio M. Antonii habuisse existimata sit: qui, ut erat in dicendo non solum sapiens, sed etiam fortis, causa prope perorata ipse arripuit M'. Aquilium constituitque in conspectu omnium, tunicamque eius a pectore abscidit, ut cicatrices populus Romanus iudicesque adspicerent adverso corpore exceptas; simul et de illo volnere quod ille in capite ab hostium duce acceperat, multa dixit, eoque adduxit eos qui erant iudicaturi, vehementer ut vererentur ne, quem virum fortuna ex hostium telis eripuisset, cum sibi ipse non pepercisset, hic non ad populi Romani laudem, sed ad iudicum crudelitatem videretur esse servatus.' Introd. p. 14. Quintil. ii. 15. 7, also refers to this famous defence.

diloricare, only found here in good Latin.

9. **hominem seditiosum,** Norbanum: Introd. p. 14.

12. **praestare,** 'be answerable for:' 'praestare periculum alicuius rei' is a common technical term for 'to take upon oneself the risk of a thing.' Then the usage is extended as in Caes. B.C. iii. 17. 5 'illi neque legatos Caesaris recipere, neque periculum praestare eorum.' Cp. Tusc. iii. 16. 34 'culpam autem nullam esse, cum id quod ab homine non potuerit praestari, evenerit.'

13. **e re publica,** 'in the interests of the state.'

14. **essent exacti**; pluperfects because the expulsion of the kings is spoken of as preceding the speech of Antonius, which was itself to Crassus an event in past time.

15. **ex luctu,** etc., an adjectival expression: 'arising as it did from the mourning,' etc.

16. **exercitum amiserat,** at the battle of Arausio: Mommsen, iii. 183–187.

17. **anceps,** 'dangerous,' nearly synonymous with 'lubricus,' as 'inauditus' with 'novus.'

19. **Cn. Mallius** was one of the consuls of the year of the defeat at Arausio (B.C. 105). It is quite conceivable that Antonius in his defence of Norbanus, while painting in the strongest colours the indignation of the people at the disaster, digressed into a warm expression of pity for the fate of Mallius, whose misfortune was due to the insubordination of Caepio.

Q. Marcius Rex had been consul in

quid de aliis innumerabilibus? in quibus non hoc maxime enituit, quod tibi omnes dant, acumen quoddam singulare, sed haec ipsa, quae nunc ad me delegare vis; quae semper in te eximia et
29 praestantia fuerunt.' Tum Catulus 'ego vero' inquit 'in vobis hoc maxime admirari soleo, quod, cum inter vos in dicendo dissimillimi sitis, ita tamen uterque vestrum dicat, ut ei nihil neque a natura denegatum neque a doctrina non delatum esse videatur; qua re, Crasse, neque tu tua suavitate nos privabis, ut, si quid ab Antonio aut praetermissum aut relictum sit, non explices; neque te, Antoni, si quid non dixeris, existimabimus
127 non potuisse potius quam a Crasso dici maluisse.' Hic Crassus 'quin tu,' inquit 'Antoni, omittis ista, quae proposuisti, quae nemo horum desiderat: quibus ex locis ea, quae dicenda sunt in causis, reperiantur; quae quamquam a te novo quodam modo praeclareque dicuntur, sunt tamen et re faciliora et praeceptis pervagata; illa deprome nobis unde adferas, quae saepissime tractas semperque divinitus.'

128 'Depromam equidem,' inquit 'et quo facilius id a te exigam, quod petam, nihil tibi a me postulanti recusabo. Meae totius orationis et istius ipsius [in dicendo] facultatis, quam modo Crassus in caelum verbis extulit, tres sunt rationes, ut ante dixi: una conciliandorum hominum, altera dicendorum, tertia con-
129 citandorum. Harum trium partium prima lenitatem orationis, secunda acumen, tertia vim desiderat, nam hoc necesse est, ut is, qui nobis causam adiudicaturus sit, aut inclinatione voluntatis

3. *quae semper* Bak. S: *ea semper* cum codd. KP. 13. *dicenda sunt*: codd. mut. KS.: *dicenda sint* P. 19. *petam* K post Bb (A *peta*) *peto* PS. 17. [*in dicendo*] om. ABγ B Lg. 2, 4, incl. K om. S.

B.C. 118, and founded Narbo Martius: hence he is very likely to have been one of the 'numerous men of note,' who were condemned by the commission of Norbanus. Sorof is in error in representing him as consul along with Mallius.

5. **admirari soleo, quod, . . . uterque dicat,** 'I often express my astonishment . . . that, as I say, each speaks:' the conj. is that of alleged reason.

9. **praetermissum,** accidentally; **relictum,** intentionally.

12. **quin tu omittis,** etc. Crassus means: No! don't trust to me to fill up any gaps you may leave in your sketch of the ordinary rules about τόποι; but rather omit them altogether. None of the present company requires them. Tell us rather whence you derive your own very admirable method of dealing with a case.

16. **illa,** governed by *adferas*.

21. **rationes,** 'purposes.' 'In all my speaking, and in the exercise of that oratorical power . . . I have three purposes in view: first to win over my audience, secondly to instruct them, thirdly to arouse them.'

23. **prima . . . desiderat:** cp. Or. 21. 69 'sed quot officia oratoris, tot sunt genera dicendi: subtile in probando, modicum in delectando, vehemens in flectendo, in quo uno vis omnis orationis est.'

propendeat in nos aut defensionis argumentis adducatur aut animi permotione cogatur. Sed quoniam illa pars, in qua rerum ipsarum explicatio ac defensio posita est, videtur omnem huius generis quasi doctrinam continere, de ea primum loquemur et pauca dicemus: pauca enim sunt, quae usu iam tractata et animo quasi notata habere videamur. Ac tibi sapienter monenti, 30
Crasse, libenter adsentiemur, ut singularum causarum defensiones 130
quas solent magistri pueris tradere, relinquamus, aperiamus autem capita ea, unde omnis ad omnem et causam et orationem disputatio ducitur. Neque enim, quotiens verbum aliquod est scribendum nobis, totiens eius verbi litterae sunt cogitatione conquirendae; nec quotiens causa dicenda est, totiens ad eius causae seposita argumenta revolvi nos oportet, sed habere certos locos, qui, ut litterae ad verbum scribendum, sic illi ad causam explicandam statim occurrant. Sed hi loci ei demum oratori 131
prodesse possunt, qui est versatus in rerum vel usu, quem aetas denique adfert, vel auditione et cogitatione, quae studio et diligentia praecurrit aetatem. Nam si tu mihi quamvis eruditum hominem adduxeris, quamvis acrem et acutum in cogitando, quamvis ad pronuntiandum expeditum, si erit idem in consuetudine civitatis, in exemplis, in institutis, in moribus ac voluntatibus civium suorum hospes, non multum ei loci proderunt illi, ex quibus argumenta promuntur: subacto mihi

16. *rerum* A Lg. 2: SAd. *rebus* KP.

2. **illa pars,** i.e. docendi, the establishment of the facts and arguments advanced by the orator.

4. **huius generis,** i.e. persuadendi, which includes all three, conciliare, docere, and movere: the general rules for the first will include those for the other two.

quasi doctrinam. Antonius will not admit any 'doctrine' strictly so called.

6. **videamur**: Cic. is very fond of this use of *videri* to qualify an assertion which might appear somewhat presumptuous. See exx. in Seyffert's Laelius, p. 87. Translate 'which, if I am not mistaken, I have.'

9. **omnis ad omnem,** frequently thus attracted together.

disputatio = substance of the speech, or argument.

10. **Neque enim . . . nec,** 'for just as . . not, so,' the so-called *simile per negationem.*

13. **seposita,** 'stored up separately,' in the theoretical treatises.

14. **sic illi,** redundant after *qui*: cp. Tusc. iv. 14. 32 'ingeniosi, ut aes Corinthium in aeruginem, sic illi in morbum et incidunt tardius et recreantur ocius;' ib. 30. 64 'est enim metus, ut aegritudo praesentis, sic ille futuri mali:' cp. Madvig on de Fin. v. 24. 71, and below, §§ 257, 310.

15. **occurrant**: cp. i. 38. 151.

16. **in rerum vel usu**: so A and the codd. mutili: the later MSS. by a natural correction have *rebus*, retained by Kayser and Pid. (not Adler).

aetas denique, 'nothing but years.'

20. **pronuntiandum,** 'deliver himself,' not 'pronounce,' which in Cicero is always *dicere*, *appellare*, or *exprimere* (iii. 11. 41): cp. i. 61. 261.

23. **subacto,** a metaphor from hus-

ingenio opus est, ut agro non semel arato, sed [novato et] iterato, quo meliores fetus possit et grandiores edere; subactio
132 autem est usus, auditio, lectio, litterae. Ac primum naturam causae videat, quae numquam latet, factumne sit quaeratur, an quale sit, an quod nomen habeat; quo perspecto statim occurrit naturali quadam prudentia, non his subductionibus, quas isti docent, quid faciat causam, id est, quo sublato controversia stare non possit; deinde quid veniat in iudicium, quod isti sic iubent quaerere: interfecit Opimius Gracchum. Quid facit causam? quod rei publicae causa, cum ex senatus consulto ad arma vocasset. Hoc tolle, causa non erit. At id ipsum negat contra

1. *sed* [*novato et*]: sic K: *sed novato* om. ABbγ. *novato et* om. Lg. 4, 13, 32, 36. *sed novato iterato* Lg. 2.

bandry: 'well-tilled:' cp. Cato, R. Rust. 161. 1 'locum subigere oportet bene: ubi erit subactus, areas facito:' de Sen. 15. 51 'quae cum gremio mollito et subacto semen sparsum excepit.'

2. **iterato** is technically equivalent to *novato*, which must evidently here denote the second ploughing: but it seems very doubtful whether the word can bear this meaning: certainly the only other passage quoted for it (Ov. Pont. iv. 2. 44 'nec me ... oblectat cultu terra novata suo') barely admits of it, and certainly does not require it. *Novalis ager* is land ploughed for the *first* time (Varro L. L. v. 39, Müll. 'ager ... qui intermittitur a novando novalis'), either when just reclaimed (Plin. H. N. xvii. 5. 3. 39 'caesa vetere silva') or after it has lain fallow for a while. Hence it is highly probable that *novato* is a gloss upon *semel arato*, and should be banished from the text: and this is strongly confirmed by the fact that it is omitted in Aγ Lagg. 4. 13, 32, 36. If however the authority of Nonius, who quotes the words, is held to outweigh these considerations, we can only fall back (with Sorof and Pid.) on the very forced explanation of Henrichsen that *novatum* and *iteratum* here correspond to the technical *iteratum* and *tertiatum* respectively.

3. **litterae**, 'writing;' = 'stilus,' in § 96.

4. **factumne sit quaeratur**, a clause in apposition to *naturam causae*, which might have been introduced by *utrum*, corresponding to *an*, after which *quaeratur* is understood again; 'whether the question is if an act has been done, or is of what character it is,' etc.

6. **subductionibus**, 'calculations,' as to the section and sub-section of the theoretical scheme, under which the case comes.

8. **quid veniat in iudicium**, 'the point to be decided' = τὸ κρινόμενον: cp. Top. 25. 95 'quae ex statu contentio efficitur, cum Graeci τὸ κρινόμενον appellant, mihi placet id ... *qua de re agitur* appellari:' Or. 36. 126, Brut. 79. 275, 'quid faciat causam' is the defendant's plea: 'quid veniat in iudicium' the admissibility of this plea.

9. **interfecit Opimius Gracchum**: the standing instance in the rhetorical treatises: e.g. Or. part. 30. 104, 106. Strictly speaking Opimius did not kill Gracchus. In the grove of Furrina on the right bank of the Tiber the body of Gracchus was found side by side with that of his slave Euporus, or as Plutarch calls him Philocrates, and the report was that the slave had killed his master and then slain himself. But Opimius had attacked Gracchus and his partisans on the Aventine, and killed all he could. Livy (Perioch. lxi.) says 'L. Opimius accusatus apud populum a Q. Decio trib. pl. quod indemnatos cives in carcerem coniecisset, absolutus est.' (Q. is probably an error for P.: cp. § 135, Brut. 28. 108). Apparently Opimius was accused 'de maiestate.'

10. **ex senatus consulto**, i.e. 'videant consules ne quid detrimenti respublica capiat.'

11. **tolle, ... non erit.** 'In such cases Cicero never inserts *et* before the apodosis: other writers insert or omit it indifferently:' Mayor on Juv. i. 155, who quotes other authorities. Kühner, Ausf. Gr. ii. 633, gives an instance of *et* inserted from Cato, R. R. 6. 6 (cp. p. 761).

leges licuisse Decius. Veniet igitur in iudicium licueritne ex
senatus consulto servandae rei publicae causa. Perspicua sunt
haec quidem et in volgari prudentia sita; sed illa quaerenda,
quae et ab accusatore et a defensore argumenta ad id, quod in
iudicium venit, spectantia debent adferri. Atque hic illud vi- 31
dendum est, in quo summus est error istorum magistrorum, 133
ad quos liberos nostros mittimus, non quo hoc quidem ad
dicendum magno opere pertineat, sed tamen ut videatis, quale
sit genus hoc eorum, qui sibi eruditi videntur [hebes atque im-
politum]: constituunt enim in partiendis orationum modis duo
genera causarum: unum appellant, in quo sine personis atque
temporibus de universo genere quaeratur; alterum, quod personis
certis et temporibus definiatur; ignari omnis controversias ad
universi generis vim et naturam referri; nam in ea ipsa causa, 134
de qua ante dixi, nihil pertinet ad oratoris locos Opimii persona,
nihil Decii; de ipso enim universo genere infinita quaestio est,
num poena videatur esse adficiendus, qui civem ex senatus con-
sulto patriae conservandae causa interemerit, cum id per leges
non liceret; nulla denique est causa, in qua id, quod in iudicium
venit, reorum personis ac non generum ipsorum universa dubi-

5. *debeant* KP: *debent* S cum A et codd. mut. 8. *quale sit* K cum Aγ Lg. 2, 4, 13, 36. *quam sit* PS. 9. *hebes atque impolitum* incl. K.

id ipsum negat licuisse. Decius, like the assailants of Cicero after his consulship, maintained that the senate had not this 'dispensing power:' and undoubtedly his position was constitutionally the true one. Cp. Mommsen, iv. 178.

4. **argumenta** is attracted out of its place into the relative clause: translate 'but we must search for those arguments bearing upon the question at issue which, etc.'

5. **debent**: so A and most of the codd. mut. If we retain *debeant* with K. and Pid. *quae* must be taken as a dependent interrogative, and *illa* is by attraction for *illud*, as in Lael. 16. 56 'constituendi autem sunt, qui sint in amicitia fines et quasi termini deligendi.' But this would be a harsher instance than any of those quoted by Reid ad loc. or by Madvig on de Fin. v. 21. 58, and it is needless to take it so in face of the MS. authority for *debent*.

7. **hoc quidem,** sc. the division into *quaestio* and *causa*. The theorists are not only wrong in their opinion that the distinction is of practical importance, but they are wrong in making it at all.

8. **quale sit genus**: Cicero likes to separate *quam* from the word which it qualifies, both in exclamations and in indirect questions: cp. i. 58. 246: and Reid on Lael. 3. 10; Acad. i. 26: hence there is no objection on this score to the vulgate: but the weight of authority in favour of *quale* is so great, as to make it probable that *hebes atque impolitum* is a spurious addition.

10. **duo genera**: Introd. p. 56.

15. **locos,** 'points of view,' i.e. line of argument.

16. **de universo genere quaeratur,** 'a general question is raised.'

infinita quaestio est: cp. Or. part. 30. 106 'ita disceptationes eae, quae in his controversiis oriuntur, quae sunt certis personis et temporibus notatae, fiunt rursus infinitae, detractisque temporibus et personis rursus ad consultationis formam rationemque revocantur.'

19. **denique,** 'in short.'

20. **universa dubitatione** = infinita

135 tatione quaeratur. Quin etiam in eis ipsis, ubi de facto ambigitur,
ceperitne pecunias contra leges [P.] Decius, argumenta et crimi-
num et defensionis revocentur oportet ad genus et ad naturam
universam: quod sumptuosus, de luxurie, quod alieni appetens,
de avaritia, quod seditiosus, de turbulentis et malis civibus,
quod a multis arguitur, de genere testium, contraque, quae pro
reo dicentur, omnia necessario a tempore atque homine ad com-
136 munis rerum et generum summas revolventur. Atque haec forsitan
homini non omnia, quae sunt in natura rerum, celeriter animo
comprehendenti permulta videantur, quae veniant in iudicium
tum, cum de facto quaeratur; sed tamen criminum multitudo
32 137 est et defensionum, non locorum infinita. Quae vero, cum de

4. *de luxurie* incl. K. 5. *de avaritia* incl. K. *de turbulentis et malis civibus* incl. K. 6. *de genere testium* incl. K.

quaestione, 'a general discussion:' thus *dubitare* = 'discuss:' e.g. pro Rosc. 31. 88 'restat ut hoc dubitemus uter potius Sex. Roscium occiderit;' like ἀπορῆσαι, 'to raise a discussion.' The old reading *disputatione* has less authority here, and is more likely to be a correction.

2. **P. Decius**: the praenomen is omitted in Aγ Lagg. 2. 13, which have decuius; and the general rule, which requires its insertion only in formal statements, or when the person is mentioned with some respect (well illustrated by Ellendt on iii. 1. 4), allows us to dispense with it here. There seems to be no evidence to determine whether this Decius is the same as the prosecutor of Opimius; although the context somewhat favours this view. Nor do we know whether Decius was *prosecuted* on the charge of receiving money illegally, or simply charged with it. If Ihne is right in his conjecture that the prosecution of Opimius was merely a trick of the oligarchical party, in order to secure an approval of their policy by a judicial vote at a time of strong 'Conservative reaction' (Röm. Gesch. v. p. 110), it is quite conceivable that Decius was afterwards prosecuted by the popular party for *praevaricatio*. But our only other authority for the prosecution (Cic. Orat. part 30. 106), adds nothing to our knowledge of the circumstances. It is to be noticed however that in that passage Cicero twice omits the praenomen. In Brut. 28. 108 Cicero says 'Flacci autem aemulus P. Decius fuit, non infans ille quidem, sed ut vita, sic oratione etiam turbulentus:' so far as this goes, it is in favour of Ihne's hypothesis, Flaccus being of course the well-known adherent of the Gracchi.

3. **genus et ad naturam universam**, practically a hendiadys, the latter clause serving to define the former. The construction goes on somewhat loosely: it might be stated more completely thus: 'quod sumptuosus est aliquis, id argumentum revocetur oportet ad quaestionem de luxurie,' etc.

7. **ad communes rerum et generum summas**, 'to the general conceptions embracing the individual instances and classes.'

8. **forsitan . . . videantur**: so always with Cicero, who does not forget that the word is contracted from *fors sit an*: but in Livy we find the indicative pretty frequently, though even with him the subjunctive is the more common (cp. Kühnast, Liv. Synt. p. 226). The poets use the indicative freely: Kühner, ii. 614.

12. **et defensionum, non locorum**: this is evidently the reading required by the sense of the passage: although a man, who is not used to group all phenomena under their proper genera and species, may think that the various questions for the judges are extremely numerous, yet it is the particular charges or particular defences which are infinite in number, not the general lines of argument. Pearce, and (independently) Piderit corrected the MS. reading 'non defensionum aut locorum,' which is due only to a misunderstanding of the concrete force of *defensionum*.

Quae vero, etc. 'But the cases where there is no dispute as to the facts of the case, but the question turns upon their character.'

facto non ambigitur, quaeruntur, qualia sint, ea si ex reis numeres, et innumerabilia sunt et obscura; si ex rebus, valde et modica et inlustria; nam si Mancini causam in uno Mancino ponimus, quotienscumque is, quem pater patratus dediderit, receptus non erit, totiens causa nova nascetur; sin illa controversia causam facit, videaturne ei, quem pater patratus dediderit, si is non sit receptus, postliminium esse, nihil ad artem dicendi nec ad argumenta defensionis Mancini nomen pertinet; ac, si quid adfert praeterea 138
hominis aut dignitas aut indignitas, extra quaestionem est et ea tamen ipsa oratio ad universi generis disputationem referatur necesse est. Haec ego non eo consilio disputo, ut homines eruditos redarguam; quamquam reprehendendi sunt qui in genere definiendo istas causas describunt in personis et in temporibus positas esse; nam etsi incurrunt tempora et personae, tamen 139
intellegendum est, non ex eis, sed ex genere quaestionis pendere causas. Sed hoc nihil ad me; nullum enim nobis certamen cum istis esse debet; tantum satis est intellegi ne hoc quidem eos consecutos, quod in tanto otio etiam sine hac forensi exercitatione efficere potuerunt, ut genera rerum discernerent eaque paulo subtilius explicarent. Verum hoc, ut dixi, nihil ad me; 140
illud ad me ac multo etiam magis ad vos, Cotta noster et Sulpici: quo modo nunc se istorum artes habent, pertimescenda est multitudo causarum; est enim infinita, si in personis ponitur; quot homines, tot causae; sin ad generum universas quaestiones referuntur, ita modicae et paucae sunt, ut eas omnis diligentes et memores et sobrii oratores percursas animo et prope dicam

13. *describunt* PS cum codd. *scribunt* K.

2. **modica,** 'limited in number;' a rare use of the word, but one plainly required by the context. Forcellini has no instance really parallel, but cp. § 140.

3. **illustria,** 'clear.'

Mancini causam: i. 40. 181.

5. **totiens,** so A and most of the MSS. here: Mr. Roby, § 547, calls *-iēs* post-Augustan, and on the Mon. Ancyr. we always find *-iens*: cp. Corssen, i. 253. Brambach, Neug. 268 f. The rule of the ancient grammarians to use *-ies* for numeral adverbs formed from the cardinal numbers, but *totiens, quotiens*, etc. is not borne out by the texts of authors: cp. Neue, ii. 171–175.

8. **adfert,** 'contributes,' as proper matter for oratory.

9. **hominis,** of the person concerned.

extra quaestionem = *ἔξω τοῦ πράγματος*.

ea ipsa oratio, i.e. what is said even upon this point.

11. **homines eruditos,** of course with a certain irony.

13. **describunt,** etc., a compressed expression for *describunt ita ut dicant positas esse*.

14. **incurrunt,** 'enter in.'

18. **in tanto otio**: for the proverbial 'otium Graecum' cp. i. 6. 22.

23. **ponitur** is made to agree with *multitudo*, though it refers more strictly to *causae*.

26. **percursas**: cp. Or. 15. 47 'facile igitur hic noster . . . quoniam loci certi traduntur, percurret omnes.'

decantatas habere debeant; nisi forte existimatis a M'. Curio causam didicisse L. Crassum et ea re multa attulisse, quam ob rem postumo non nato Curium tamen heredem Coponii esse
141 oporteret: nihil ad copiam argumentorum neque ad causae vim ac naturam nomen Coponii aut Curii pertinuit; in genere erat universo rei negotiique, non in tempore ac nominibus, omnis quaestio: cum scriptum ita sit SI MIHI FILIUS GENITUR, ISQUE PRIUS MORITUR, et cetera, TUM MIHI ILLE SIT HERES, si natus filius non sit, videaturne is, qui filio mortuo institutus heres sit, heres esse: perpetui iuris et universi generis quaestio non hominum nomina, sed rationem dicendi et argumentorum fontis
33 desiderat. In quo etiam isti nos iuris consulti impediunt a
142 discendoque deterrent; video enim in Catonis et in Bruti libris nominatim fere referri, quid alicui de iure viro aut mulieri responderit; credo, ut putaremus in hominibus, non in re consultationis aut dubitationis causam aliquam fuisse; ut, quod homines innumerabiles essent, debilitati [a iure cognoscendo]

15. *responderit* A cum plerisque codicibus: SK. vulgatum *responderint*. 17. *debilitati a iure cognoscendo* codd.: incl. K. *debilitati tanto numero cognoscendo* S. *debilitati* [*a iure cognoscendo*] ?

1. **decantatas,** § 75; i. 23. 105.

a M'. Curio: Introd. p. 11.

2. **ea re,** 'thereby,' 'because of this.' The praenomina are inserted for the sake of more emphatic antithesis.

6. **rei negotiique,** 'of the facts of the case.'

7. **si mihi filius,** etc.: cp. de Inv. ii. 42. 122 'paterfamilias cum liberorum nihil haberet, uxorem autem haberet, in testamento ita scripsit: si mihi filius genitur unus pluresve, is mihi heres esto. Deinde quae adsolent. Postea: si filius ante moritur quam in tutelam suam venerit, tu mihi secundus heres esto. Ambigunt agnati cum eo, qui est heres, si filius ante quam in tutelam suam venerit, mortuus sit.' The subjunctives *cum . . . sit*, and *si . . . sit*, are used because the clauses are subordinate to *videaturne*, etc. a dependent interrogative, in apposition to *quaestio*.

9. **filio mortuo,** 'if the son died,' abl. abs. not dative.

11. **rationem dicendi,** 'systematic discussion,' by the employment of the proper *loci*.

13. **Catonis**: i. 37. 171.

Bruti: M. Junius Brutus is often mentioned by Cicero as an eminent lawyer: cp. de Off. ii. 14. 50 ('iuris civilis imprimis peritus'): Brut. 34. 130; 47. 135. Seven books *de iure civili* were ascribed to him (Pompon. de orig. iur. 3. 89 'P. Mucius et Brutus et Manilius fundaverunt ius civile. Ex his P. Mucius etiam decem libellos reliquit, Brutus septem, Manilius tres):' but Cicero says that only three of them were genuine (pro Cluent. 51. 141). His son was a worthless fellow who attacked Crassus bitterly when the latter was defending Plancius, who was prosecuted by Brutus. Cp. below, § 220 ff. Two fragments from Cato's *commentarii* are given by Huschke, 'Jurispr. Ante-Just. quae supersunt,' p. 2; but the second is evidently a jest, not a legal opinion; nothing is extant of the books of Brutus, but the introductory clauses cited in § 224.

15. **responderit,** not necessarily the author, but the authority, whoever he may have been. Doubtless these treatises would record the decisions of others beside the author.

putaremus, past impf., because some word like 'they did this' is understood.

17. **debilitati [a iure cognoscendo].** The construction 'weakened from the study of law' is harsh and unexampled: we must suppose either that the bracketed

voluntatem discendi simul cum spe perdiscendi abiceremus.
Sed haec Crassus aliquando nobis expediet et exponet discripta
generatim; est enim, ne forte nescias, heri nobis ille hoc, Catule,
pollicitus [se] ius civile, quod nunc diffusum et dissipatum esset, in
certa genera coacturum et ad artem facilem redacturum.' 'Et 143
quidem' inquit Catulus 'haudquaquam id est difficile Crasso,
qui et, quod disci potuit de iure, didicit et, quod eis, qui eum
docuerunt, defuit, ipse adferet, ut, quae sint in iure, vel acute
discribere vel ornate inlustrare possit.' 'Ergo ista' inquit
Antonius 'tum a Crasso discemus, cum se de turba et a sub-
selliis in otium, ut cogitat, soliumque contulerit.' 'Iam id 144
quidem saepe' inquit Catulus 'ex eo audivi, cum diceret sibi
certum esse a iudiciis causisque discedere; sed, ut ipsi soleo
dicere, non licebit; neque enim auxilium suum saepe a viris
bonis frustra implorari patietur neque id aequo animo feret
civitas, quae si voce L. Crassi carebit, ornamento quodam sese

1. *abiceremus* sic codd. boni omnes. 9. *discribere* PS: *describere* K cum codd.

words are due to a copyist, who did not understand the construction of *debilitati* with a causal clause, and clumsily supplied a qualification, or that some other participle, such as *ac deterriti* has fallen out. Kayser rejects *debilitati* which seems sound: Sorof not very happily suggests 'debilitati *tanto numero* cognoscendo,' supposing that *numero* got corrupted into *a iure*, and *tanto* dropped after *-tati*. Bake had already suggested *numero*. Mr. Reid proposes 'impediti a iure cognoscendo' = 'prevented from discovering the general legal principle,' supposing that *in-* was lost, and then *-pediti* corrupted.

2. **discripta generatim,** 'distributed under their proper heads.' Apparently all MSS. have *descripta*, which Kayser retains, but this cannot be right: cp. § 36 note.

3. **ne forte nescias:** Roby, § 1662.

heri: i. 42. 190.

4. **pollicitus [se]**: *se* is omitted by all the better MSS. followed by Ellendt, Kayser, and Piderit; Sorof retains it. The omission of the pronoun with the fut. inf. is common enough in Livy (see Drakenborch's large collection of instances in his notes to i. 23. 5, and xlii. 10. 15) and Tacitus; but it is very rare in Cicero. Cp. Madvig on de Fin. v. 31. Draeger, Hist. Synt. ii. 414, quotes in Verr. ii. 38. 93 'de Sthenii bonis exacturum' (sc. se), and pro Cluent. 63. 176 'quaesiturum esse dixit.' See however Reid on Acad. i. 18.

5. **facilem** is undoubtedly right: x *difficilem* of i. 42. 190. The old reading was *facile*. The *codd. mutili* omit 'et .. redacturum,' doubtless from the similarity of ending. This is one of the numerous instances which make us distrust their authority in the matter of omission. Cp. Introd. p. 61, note.

Et quidem, 'to be sure,' usually, but not always, ironical: cp. Kühner on Tusc. D. iii. 20. 48: Madvig on de Fin. i. 10. 35.

8. **acute** has good MS. authority. A and Lag. 32 read *apte*, adopted by Ern. and others: but the former suits the passage better, and was more likely to be corrupted than the shorter form.

11. **in otium soliumque,** 'to the leisure of his arm-chair:' for the *solium* cp. de Leg. i. 3. 10 'ego vero aetatis potius vacationi confidebam, cum praesertim non recusarem quominus more patrio sedens in solio consulentibus responderem, senectutisque non inertis grato atque honesto fungerer munere,' and below, § 226; iii. 33. 133.

12. **ex eo audivi, cum diceret,** 'I have heard him saying.' Roby, § 1720.

13. **iudiciis causisque,** § 99 (note).

14. **auxilium suum implorari.** We can say 'to ask a man for help,' or 'to ask for a man's help:' the Romans always use the latter form: and similarly in the passive, as here.

spoliatam putabit.' 'Nam hercle,' inquit Antonius 'si haec vere a Catulo dicta sunt, tibi mecum in eodem est pistrino, Crasse, vivendum; et istam oscitantem et dormitantem sapientiam
145 Scaevolarum et ceterorum beatorum otio concedamus.' Adrisit hic Crassus leniter et 'pertexe modo,' inquit 'Antoni, quod exorsus es; me tamen ista oscitans sapientia, simul atque ad eam confugero, in libertatem vindicabit.'

34 'Huius quidem loci, quem modo sum exorsus, hic est finis,' inquit Antonius; 'quoniam intellegeretur non in hominum innumerabilibus personis neque in infinita temporum varietate, sed in generum causis atque naturis omnia sita esse, quae in dubium vocarentur, genera autem esse definita non solum numero, sed etiam paucitate, ut eam materiem orationis, quae cuiusque esset generis, studiosi qui essent dicendi, omnibus locis discriptam, instructam ornatamque comprehenderent rebus dico et sententiis.
146 Ea vi sua verba parient, quae semper satis ornata mihi quidem videri solent, si eius modi sunt, ut ea res ipsa peperisse videatur; ac si verum quaeritis, quod mihi quidem videatur—nihil enim aliud adfirmare possum nisi sententiam et opinionem meam—hoc in-

3. *et dormitantem* om. ABbγ Lagg. 2, 4, 13, 36: del. Ell. incl. K. 9. *intellegeretur* KS cum codd. mut.: *intelligitur* P. 16. *parient* codd.; *pariet* KP post Bak.

1. **Nam hercle,** 'yes indeed.' Cp. Ter. Ad. 190; Plaut. Trin. 731; Mil. 1226.

2. **pistrino:** i. 11. 46 (note).

3. **et dormitantem,** omitted in the *codd. mutili*, but not, I think, to be rejected with Kayser and Sorof; it is not otiose after *oscitantem*, but completes the picture 'yawning and slumbering.' The Scaevolae were proverbially eminent lawyers: cp. i. 10. 39.

4. **beatorum,** 'happy people:' not, either here or in pro Mur. 12. 26, quite equivalent to *otiosus*, as Sorof says.

5. **pertexe,** 'finish' the task which you have begun; *ordior* and *exordior* being properly to commence weaving, to lay the warp.

7. **in libertatem vindicabit,** the regular legal phrase: cp. Gaius, iv. 16; Liv. iii. 45, 46 (several times).

8. **sum exorsus,** past indef., not present perfect: hence the past impf. following.

finis, 'object:' i. 42. 188 (note).

11. **in generum causis atque naturis,** 'in cases of a general kind, and the character of such.'

12. **definita non solum numero, sed etiam paucitate,** 'are not only limited in number, but that number is a small one.'

14. **omnibus locis discriptam,** 'distributed under all the various heads:' the matter of a speech is compared to a well-ordered, and well-equipped body of troops.

15. **ornatamque:** it is by no means uncommon to find *-que* appended to the third member of a clause: e.g. de Off. i. 26. 92 'magnifice, graviter, animoseque:' Draeger, ii. 36: *et* is much less usual, but not so rare as Madvig (on de Fin. iv. 20. 56) maintains: cp. Draeger, ii. 3; Kühner, ii 654 (note).

rebus . . . sententiis: cp. §§ 116–120.

16. **Ea:** so all good MSS. for the vulgate, *eae*: for *ea = res et sententiae* cp. note on i. 6. 20. Pid. quite needlessly, corrects *pariet*, against all MSS., referring *ea* to 'materies.' For the sentiment cp. iii. 31. 125 'rerum enim copia verborum copiam gignit,' and Cato's golden rule for the speaker, 'rem tene, verba sequentur.' So Hor. A. P. 311 'verbaque provisam rem non invita sequentur.'

strumentum causarum et generum universorum in forum deferre
debemus neque, ut quaeque res delata ad nos erit, tum denique
scrutari locos, ex quibus argumenta eruamus; quae quidem
omnibus, qui ea mediocriter modo considerarint, studio adhibito
et usu pertractata esse possunt; sed tamen animus referendus
est ad ea capita et ad illos, quos saepe iam appellavi, locos, ex
quibus omnia ad omnem orationem inventa ducuntur, atque hoc **147**
totum est sive artis sive animadversionis sive consuetudinis nosse
regiones, intra quas venere et pervestiges, quod quaeras: ubi
eum locum omnem cogitatione saepseris, si modo usu rerum
percallueris, nihil te effugiet atque omne, quod erit in re, occurret
atque incidet. Et sic, cum ad inveniendum in dicendo tria sint: **35**
acumen, deinde ratio, quam licet, si volumus, appellemus artem,
tertium diligentia, non possum equidem non ingenio primas
concedere, sed tamen ipsum ingenium diligentia etiam ex

15. *ex tarditate* incl. S.

1. **causarum et generum.** Adler proposes to strike out *et*, on the ground that we have above 'in generum causis,' so that *genera* and *causae* are not co-ordinate conceptions: but we may suppose *et generum* added as a kind of explanation, to give greater precision to *causarum*.

4. **considerarint.** If this word stood by itself, the derivation given by Festus s.v. from *sidus* could hardly be doubted: but *desidero* presents difficulties as yet not fully solved. It may however well be 'to turn away the eyes from,' hence 'to fail to see,' 'to miss,' etc. Cp. Corssen, Nachtr. p. 43. Donaldson (Varron.[3] p. 445) says '*desidero* indicates the interruption to the augurial process which was occasioned by a cloudy and starless night.'

5. **sed tamen,** i.e. although practice is the chief thing.

7. **inventa,** i.e. argumenta: Or. Part. ii. 6 'quid est argumentum? probabile inventum ad faciendam fidem.' Cp. § 127.

10. **saepseris,** like the hunter, surrounding a thicket with his nets.

usu rerum: this reading of a few inferior MSS. is adopted by all recent editors: they quote for the neuter force of the verb pro Mil. 28. 76 'nescio quo modo iam usu obduruerat et percalluerat civitatis incredibilis patientia.' But the active force is found several times in Gellius, and is assumed here by those editors, who suppose the object to be understood: e.g. Pid. explains 'the orator must know the marked-off region by means of frequent practice (§ 204) as thoroughly as the hunter knows every step in the hunting-ground.' Kühner appears to give the verb a neuter force; 'if only experience in affairs has properly sharpened your wits.' I do not see any insuperable objection to the reading of all good MSS. *usum rerum*, 'if you are thoroughly familiar with practice in dealing with subjects.' The lexicons vary as to the pres. ind. assigned to this form. Forcellini has only *percalleo*. White refers *percalluerat* in one passage of Gellius to *percalleo*, in two others to *percallesco*, though there is not the slightest difference of meaning: L. and S. give the same passage under both verbs! As a fact no other part of the verb seems to occur except the plupf. ind. *Occalesco* does occur in Plautus.

11. **atque**: we should rather say 'but:' cp. § 74 'ac potius.'

12. **incidet,** 'fall into your hands,' like game which is prevented from escaping by nets.

tria: i.e. φύσις, ἐπιστήμη, μελέτη (Plat. Phaedr. p. 269 D): §§ 162, 232, and often.

14. **primas,** sc. partes: 'cp. Or. 5. 18 (primas tribuere); 9. 29 (deferre); 41. 141 (tenere); Brut. 21. 84 (deferre); 49. 183 (ferre),' Pid.

15. **ex tarditate,** 'where it is dull to

148 tarditate incitat; diligentia, inquam, quae cum omnibus in rebus tum in causis defendendis plurimum valet. Haec praecipue colenda est nobis; haec semper adhibenda; haec nihil est quod non adsequatur: causa ut penitus, quod initio dixi, nota sit, diligentia est; ut adversarium attente audiamus atque ut eius non solum sententias, sed etiam verba omnia excipiamus, voltus denique perspiciamus omnis, qui sensus animi plerumque in-
149 dicant, diligentia est; id tamen dissimulanter facere, ne sibi ille aliquid proficere videatur, prudentia est; deinde ut in eis locis, quos proponam paulo post, pervolvatur animus, ut penitus insinuet in causam, ut sit cura et cogitatione intentus, diligentia est; ut his rebus adhibeat tamquam lumen aliquod memoriam, ut
150 vocem, ut viris, *diligentia est.* Inter ingenium quidem et diligentiam perpaulum loci reliquum est arti: ars demonstrat tantum, ubi quaeras, atque ubi sit illud, quod studeas invenire; reliqua sunt in cura, attentione animi, cogitatione, vigilantia, adsiduitate, labore; complectar uno verbo, quo saepe iam usi sumus, diligentia; qua una virtute omnes virtutes reliquae con-
151 tinentur. Nam orationis quidem copia videmus ut abundent philosophi, qui, ut opinor—sed tu haec, Catule, melius—nulla dant praecepta dicendi nec idcirco minus, quaecumque res proposita est, suscipiunt, de qua copiose et abundanter loquantur.'

8. *id tamen . . . prudentia est* incl. K. 12. *ut his rebus . . . viris* incl. K. 13. *diligentia est* om. K cum codd. mut. 14. *perpaulum* codd. opt. KS. *perpaululum* P (cf. § 234). 18. [*virtute omnes*] incl. K. *omnes* om. S om. codd. mutil.

start with:' *ex* denoting change, as in de Rep. i. 45. 69 'ut existat ex rege dominus, ex optimatibus factio, ex populo turba et confusio.' Sorof, objecting to the construction 'incitat ex,' brackets 'ex tarditate' as due to a copyist who did not understand 'etiam incitat,' but, I think, needlessly.

8. **id tamen . . . prudentia est.** Sorof and Pid. seem to me right in declining to follow most editors from Schuetz to Kayser, in regarding this as an interpolation. I do not find it as absurd as Ellendt does, to have a caution thrown in, while the speaker is praising *diligentia*.

9. **proficere videatur,** 'lest your opponent should feel that he has made a hit,' which will encourage him to develope the same line of argument. Hence it does matter (against Ell.) 'quid proficere videatur' and not only 'quid proficiat.'

10. **paulo post,** § 162 ff.

pervolvatur in, 'busy itself with.'

insinuet: i. 20. 90 (note).

13. **diligentia est,** added by Ernesti, whom most recent editors follow: the inferior MSS. have filled up the lacuna, which exists in all those of the better class, by the feeble insertion 'haec magna sunt.' To 'adhibeat' we must understand as the subject 'a man,' by a kind of zeugma from 'animus.' Seyff. Lael. p. 76, gives similar exx. For the effect of painstaking practice in developing memory, voice, and physical strength cp. i. 34. 156 ff.

15. **tantum,** 'only this.'

16. **attentione animi**: not elsewhere used by Cicero in this sense.

18. **continentur,** 'are based,' not 'contained.' Cp. note on i. 2. 5.

20. **melius**: sc. scis.

Tum Catulus 'est,' inquit 'ut dicis, Antoni, ut plerique philosophi **36**
nulla tradant praecepta dicendi et habeant paratum tamen quid 152
de quaque re dicant; sed Aristoteles, is, quem ego maxime
admiror, posuit quosdam locos, ex quibus omnis argumenti via
non modo ad philosophorum disputationem, sed etiam ad hanc
orationem, qua in causis utimur, inveniretur; a quo quidem
homine iam dudum, Antoni, non aberrat oratio tua, sive tu
similitudine illius divini ingenii in eadem incurris vestigia sive
etiam illa ipsa legisti atque didicisti, quod quidem mihi magis
veri simile videtur; plus enim te operae Graecis dedisse rebus
video, quam putaramus.' Tum ille 'verum' inquit 'ex me audies, 153
Catule: semper ego existimavi iucundiorem et probabiliorem
huic populo oratorem fore, qui primum quam minimam artificii
alicuius, deinde nullam Graecarum rerum significationem daret:
atque ego idem existimavi pecudis esse, non hominis, cum tantas
res Graeci susciperent, profiterentur, agerent seseque et videndi
res obscurissimas et bene vivendi et copiose dicendi rationem
daturos hominibus pollicerentur, non admovere aurem et, si
palam audire eos non auderes, ne minueres apud tuos civis
auctoritatem tuam, subauscultando tamen excipere voces eorum

4. *omnis argumenti* Ab: *omnis argumenti via* Lagg. 4, 36: PS. *omne argumentum* K. 6. *orationem* om. P. 15. *atque* S cum codd.: *atqui* K.

cc. 36–38. *Catulus remarks that the views of Antonius do not differ much from those of Aristotle; which leads to a brief discussion of the manner in which philosophy was regarded at Rome* (§§ 154–156); *and Antonius shows that the doctrines of the Stoics could be of no service to the orator* (§§ 157–159), *while he praises the keen insight of Aristotle* (§ 160) *and the dialectic power of Carneades* (§ 161).

1. **est . . . ut tradant,** 'it is the case that,' as in Hor. Carm. iii. 1. 9 'est ut viro vir latius ordinet arbusta sulcis.' Many more exx. in Kühner, ii. 813.

4. **posuit quosdam locos,** in the eight books of Τοπικά, still extant. Cicero reproduced the substance of these, at the request of his friend Trebatius, when travelling to Greece to join Pompeius, in his 'Topica.'

argumenti via, 'systematic treatment of an argument:' cp. i. 4. 14 (note).

6. **a quo quidem homine,** a compressed expression for 'a cuius hominis praeceptis:' cp. i. 4. 15 (note).

7. **aberrat:** for tense cp. Roby, § 1460.

10. **Graecis rebus,** equivalent to 'Greek literature.'

13. **huic populo:** cp. 'hoc populo,' § 4. Mayor on De Nat. D. i. 79.

14. **alicuius,** 'any:' cp. Kühner, ii. 468–9.

15. **atque ego idem,** 'and at the same time I:' cp. pro Arch. 7. 15 'atque idem ego contendo' (Reid).

16. **videndi,** i. e. physics: **bene vivendi,** ethics: **dicendi,** rhetoric or dialectic: the regular division of knowledge in the Greek schools: cp. i. 15. 68 (note).

18. **si . . . non auderes:** the subjunctive is not only due to the fact that the clause is in reported thought. In direct speech it would run, 'si non audeas . . . excipiendae sunt voces.' Cp. Roby, §§ 1564, 1566, also § 1546. The 'non' is carried on to 'excipere,' which, like *exaudire,* has sometimes, as here, the force of to 'catch up' at a distance: cp. Liv. xl. 7. 4 'ad has excipiendas voces speculator missus.'

et procul quid narrarent attendere. Itaque feci, Catule, et
37 istorum omnium summatim causas et genera ipsa gustavi.' 'Valde
154 hercule' inquit Catulus 'timide tamquam ad aliquem libidinis scopulum sic tuam mentem ad philosophiam appulisti, quam haec civitas aspernata numquam est; nam et referta quondam Italia Pythagoreorum fuit tum, cum erat in hac gente magna illa Graecia; ex quo etiam quidam Numam Pompilium, regem nostrum, fuisse Pythagoreum ferunt, qui annis ante permultis fuit quam ipse Pythagoras; quo etiam maior vir habendus est, quod illam sapientiam constituendae civitatis duobus prope sae-

10. *quod* correxit S. *cum* codd. *cum . . . cognorit* PAd. Henrichs.

2. **causas**, 'subjects' of discussion: **genera ipsa**, 'main points.'

3. **tamquam ad aliquem libidinis scopulum**, 'as though to some rock to which pleasure would draw you,' with an evident reference to the dangerous coast on to which voyagers were attracted by the song of the Sirens. The metaphor is very common in Cicero, and is commended by him in iii. 41. 163 as preferable to 'Syrtis.' I cannot think that there is any reference, as Pid. supposes, to the trial of Antonius before L. Cassius the *scopulus reorum*, described by Valerius Maximus, iii. 7. 9.

4. **appulisti**, in Cicero only used of bringing a ship to land, keeps up the metaphor of *scopulum*: cp. in Rab. Perd. 9. 25 'nec tuas unquam rationes ad eos scopulos appulisses.'

6. **magna illa Graecia**, put for the inhabitants of the important Greek towns in Southern Italy: cp. Lael. 4. 13 'eorum (Pythagoreorum), qui in hac terra fuerunt magnamque Graeciam, quae nunc quidem deleta est, tum florebat, institutis et praeceptis suis erudierunt.' The Pythagorean brotherhood was broken up and its members dispersed about 509 B.C. (Grote's Plato, i. 9), or as Zeller more plausibly argues (Die Philosophie der Griechen, i^2. 236–239), about the middle of the fifth century B.C. The decline of 'Magna Graecia' begins with the capture and destruction of Sybaris by the Crotoniates in 509: from that time forward the Greek cities were unable, in consequence of their disunion and internal feuds, to resist the assaults of the Oscan and Sabellian tribes (Grote, Hist. iii. 352 ff. ed. 1868: Mommsen, i. 143).

7. **ex quo**, 'from which fact,' 'hence:' cp. Tusc. D. v. 6. 17 'ex quo nec timor nec angor attingat.'

quidam, etc. Cp. Tusc. iv. 1. 2 'quis enim est qui putet, cum floreret in Italia Graecia potentissimis et maximis urbibus, ea quae magna dicta est, in eisque primum ipsius Pythagorae, deinde postea Pythagoreorum tantum nomen esset, nostrorum hominum ad eorum doctissimas voces auris clausas fuisse? Quin etiam arbitror propter Pythagoreorum admirationem Numam quoque regem Pythagoreum a posterioribus existimatum. Nam cum Pythagorae disciplinam et instituta cognoscerent regisque eius aequitatem et sapientiam a maioribus suis accepissent, aetates autem et tempora ignorarent propter vetustatem; eum qui sapientia excelleret, Pythagorae auditorem crediderunt fuisse.' Davies in his note quotes many other authorities for this view: e.g. Ov. Met. xv ad init.; Fast. iii. 153; Plin. N. H. xiii. 13, 86, etc. Cp. Liv. i. 18 'auctorem doctrinae eius (Numae), quia non extat alius, falso Samium Pythagoram edunt, quem Servio Tullio regnante Romae centum amplius post annos in ultima Italiae ora circa Metapontum Heracleamque et Crotonem iuvenum aemulantium studia coetus habuisse constat.' Cicero notices the anachronism also in de Rep. ii. 15. 28, where Manilius asks Scipio if it is true that Numa was a Pythagorean, and Scipio replies, 'falsum est enim, Manili, id totum, neque solum fictum, sed etiam imperite absurdeque fictum . . . nam quartum iam annum regnante L. Tarquinio Superbo Sybarim et Crotonem et in eas Italiae partis Pythagoras venisse reperitur . . . ex quo intellegi regiis annis dinumeratis potest anno fere centesimo et quadragesimo post mortem Numae primum Italiam Pythagoram attigisse.' Cp. Niebuhr, Hist. i. 238 f.

10. **quod . . . cognovit**: so Sorof, for the reading of the MSS. 'quom (so A, etc.)

culis ante cognovit, quam eam Graeci natam esse senserunt; et certe non tulit ullos haec civitas aut gloria clariores aut auctoritate graviores aut humanitate politiores P. Africano, C. Laelio, L. Furio, qui secum eruditissimos homines ex Graecia palam
semper habuerunt; atque ego hoc ex eis saepe audivi, cum **155**
dicerent pergratum Atheniensis et sibi fecisse et multis principibus civitatis, quod, cum ad senatum legatos de suis maximis rebus mitterent, tris illius aetatis nobilissimos philosophos misissent, Carneadem et Critolaum et Diogenem; itaque eos, dum Romae essent, et a se et ab aliis frequenter auditos; quos tum cum haberes auctores, Antoni, miror cur philosophiae sicut
Zethus ille Pacuvianus prope bellum indixeris.' 'Minime,' inquit **156**

. . . cognovit:' this is retained by Kayser, but is, I think, quite indefensible, considering the necessary causal force of *cum* here. Pid. accepts the correction *cognorit*, approved by Henrichsen, Bake, and Adler: this is quite as easy as the other alternative (cp. note on § 92), but not easier, for *quom* and *quod* are constantly interchanged in MSS.; and as *quod* with the indicative implies that the reason alleged is one of which the speaker is himself convinced, this is somewhat more appropriate after 'habendus est.'

2. **ullos**: 'quemquam' would have been used in the singular, but the plural of 'quisquam' is not used: cp. Neue, ii². 245.

3. **P. Africano**: i.e. the younger: see note on i. 48. 211.

4. **L. Furio** Philo: cp. de Rep. iii. 3. 5 'quid P. Scipione, quid C. Laelio, quid L. Philo perfectius cogitari potest? qui, ne quid praetermitterent, quod ad summam laudem clarorum virorum pertineret, ad domesticum maiorumque morem etiam hanc a Socrate adventiciam doctrinam adhibuerunt.' For the Hellenising 'Scipionic circle' cp. Mommsen, iii. pp. 424, 432, 446. Laelius was probably somewhat older than Scipio, though consul only in B.C. 140, Philus was a little younger (consul B.C. 136). Cp. pro Arch. 7. 16; pro Mur. 31. 66.

7. **legatos**. For this famous embassy cp. Mommsen, iii. 429, and an excellent essay by M. C. Martha in the 'Revue des Deux Mondes' for Sept. 1, 1878. There is a good account of the occasion of the embassy in Ihne's History of Rome, Book v. ch. 4. The Athenians had pillaged Oropus, a town the possession of which was always being disputed between them and the Boeotians, and had been condemned by the Sicyonians, whom the Romans had appointed umpires in the case, to pay a fine of 500 talents. The embassy pleaded that this sum was beyond the power of the city to pay, and far in excess of the damage done. It was reduced by the Senate to 100 talents.

10. **frequenter**, 'in large numbers,' not 'frequently,' a meaning which is, I think, never found in Cicero, though we have 'frequentissime' in Or. 24. 81. Cp. de Rep. i. 9. 14 'cum . . . familiarissimi eius ad eum frequenter per eos dies ventitaturos se esse dixissent:' Boot on ad Att. i. 19. 5 'huic frequenter interceditur.' Liv. i. 11. 4 'Romam inde frequenter migratum est.'

12. **Zethus**, the rough uneducated brother of the accomplished Amphion; both appeared in the Antiope of Pacuvius, a tragedy written in imitation of the (lost) Antiope of Euripides. Cp. Sellar, Roman Poets of the Republic, pp. 141–150, esp. p. 143; and Ribbeck, Röm. Tragödie, pp. 281–301. The fragments of the Antiope are collected by Ribbeck, 'Trag. Rom. Fragm.' 75–79. They do not contain any sentiment such as that here referred to; but cp. Plato, Gorg. 485 e, 486 b, c, with the schol., *ὁ τῶν στίχων δὲ νοῦς οὗτος· ὁ Ζῆθός φησι τῷ Ἀμφίονι μουσικῷ ὄντι 'ῥῖψον τὴν λύραν, κέχρησο δὲ ὅπλοις.'* (Eur. Frag. 185, Dind). Cp. too Frag. 188, as restored by Nauck:

ἀλλ' ἐμοὶ πιθοῦ.
παῦσαι μελῳδῶν, πολεμίων δ' εὐμουσίαν
ἄσκει· τοιαῦτ' ἄειδε καὶ δόξεις φρονεῖν,
σκάπτων, ἀρῶν γῆν, ποιμνίοις ἐπιστατῶν,
ἄλλοις τὰ κομψὰ ταῦτ' ἀφεὶς σοφίσματα,
ἐξ ὧν κενοῖσιν ἐγκατοικήσεις δόμοις.

Auct. ad Herenn. ii. 27. 43 'uti apud Pacuvium Zethus cum Amphione, quorum

Antonius 'ac sic decrevi philosophari potius, ut Neoptolemus apud Ennium "paucis: nam omnino haud placet." Sed tamen haec est mea sententia, quam videbar exposuisse: ego ista studia non improbo, moderata modo sint: opinionem istorum studiorum et suspicionem artificii apud eos, qui res iudicent, oratori adversariam esse arbitror, imminuit enim et oratoris auctoritatem
38 et orationis fidem. | Sed, ut eo revocetur, unde huc declinavit
157 oratio, ex tribus istis clarissimis philosophis, quos Romam venisse dixisti, videsne Diogenem eum fuisse, qui diceret artem se tradere bene disserendi et vera ac falsa diiudicandi, quam verbo Graeco διαλεκτικήν appellaret? In hac arte, si modo est haec ars, nullum est praeceptum, quo modo verum inveniatur,
158 sed tantum est, quo modo iudicetur; nam et omne, quod elo-

7. *huc* incl. K. 9. *eum* om. P: habent codd. mut. 13. *et* om. K: incl. P.

controversia de musica inducta est, disputatio in sapientiae rationem et virtutis utilitatem consumitur:' cp. de Inv. ii. 50. 94; Hor. Ep. i. 18. 39.

1. **ac . . . potius**: cp. § 74 (note). Cp. de Rep. i. 18. 30 'atque idem [Sex. Aelius, cp. i. 45. 198 note] . . . Zethum illum Pacuvii nimis inimicum doctrinae esse dicebat: magis eum delectabat Neoptolemus Ennii, qui se ait philosophari velle, sed paucis: nam omnino haud placere.' Similarly in Tusc. D. ii. 1. 1. Ribbeck restored the lines thus, 'Phílosophari est míhi necesse, at paúcis, nam omnino haút placet | Dégustandum ex eá, non in eam ingúrgitandum cénseo;' but he has more recently withdrawn the second line, in consequence of the objections of Mercklin, p. 65 (Fragm. Trag. 2). 'Necesse' is from Tusc. D. l. c.: and the last line from A. Gell. v. 16.

2. **paucis**, 'only a little:' perhaps this idiom arose from the phrase 'paucis verbis,' but if so, it came to be used without any reference to speaking. Mr. Roby has kindly furnished me with many parallel instances, from which I select 'paucis agere.' Liv. xlii. 34. 1; 'paucis auscultare,' Ter. Andr. 536; 'pluribus nolle,' Liv. xxxiv. 32; 'alternis,' Liv. ii. 6. 9; iv. 52. 11, etc. See Roby, § 1237.

3. **videbar**, at the close of his exposition: § 153.

4. **modo** = 'dummodo,' Roby, § 1668. The view is much like that of Callicles in Plato, Gorg. p. 484 c, φιλοσοφία γάρ τοι ἐστὶ χαρίεν, ἄν τις αὐτοῦ μετρίως ἅψηται ἐν τῇ ἡλικίᾳ· ἐὰν δὲ περαιτέρω τοῦ δέοντος ἐνδιατρίψῃ, διαφθορὰ τῶν ἀνθρώπων. Cp. Tac. Agric. 4 'Memoria teneo solitum ipsum, narrare se prima in iuventa studium philosophiae acrius, ultra quam concessum Romano ac senatori, hausisse, ni prudentia matris incensum ac flagrantem animum coercuisset:' and de Fin. i. 1. 1.

7. **eo**, i.e. to determine the relations of philosophy to rhetorical 'inventio.'

9. **videsne**, § 64 (note).

Diogenem, the Stoic: cp Top. 2. 6 'Cum omnis ratio diligens disserendi duas habeat artis, unam inveniendi, alteram diiudicandi, utriusque princeps, ut mihi quidem videtur, Aristoteles fuit; Stoici autem in altera elaboraverunt: iudicandi enim vias diligenter persecuti sunt ea scientia, quam διαλεκτικήν appellant: inveniendi artem, quae τοπική dicitur, quaeque et ad usum potior erat, et ordine naturae certe prior, totam reliquerunt.' Cp. Zeller's Stoics, p. 70 ff.

artem bene disserendi: cp. Alex. Aphr. Top. 3 οἱ μὲν ἀπὸ τῆς Στοᾶς ὁριζόμενοι τὴν διαλεκτικὴν ἐπιστήμην τοῦ εὖ λέγειν ὁρίζονται, τὸ δὲ εὖ λέγειν ἐν τῷ ἀληθῆ καὶ προσήκοντα λέγειν εἶναι τιθέμενοι, τοῦτο δὲ ἴδιον ἡγούμενοι τοῦ φιλοσόφου, κατὰ τῆς τελεωτάτης φιλοσοφίας φέρουσιν αὐτό κ.τ.λ.

12. **nullum est praeceptum**: the Stoics did not include rhetoric under dialectic, but made the two to be distinct divisions of τὸ λογικὸν μέρος. Rhetoric however was of little importance with them, being merely 'a collection of artificial rules, without philosophical worth' (Zeller, p. 72).

13. **nam et omne**: so A b, etc.; γ alone of the good MSS. omitting *et*, which how-

quimur sic, ut id aut esse dicamus aut non esse, et, si simpliciter dictum sit, suscipiunt dialectici, ut iudicent, verumne sit an falsum, et, si coniuncte sit elatum et adiuncta sint alia, iudicant, rectene adiuncta sint et verane summa sit unius cuiusque rationis, et ad extremum ipsi se compungunt suis acuminibus et multa quaerendo reperiunt non modo ea, quae iam non possint ipsi dissolvere, sed etiam quibus ante exorsa et potius detexta prope retexantur. Hic nos igitur Stoicus iste nihil adiuvat, quoniam, 159

ever Pid. brackets. But 'et omne' answers to 'et ad extremum.' Translate: 'For while in the case of every assertion or denial that we may make, if on the one hand it is a simple proposition the logicians undertake to decide whether it be true or false, and if on the other hand it be stated in connexion with other propositions which are appended to it, they decide whether they are correctly appended, and whether the conclusion of each argument is correct; so they prick their own fingers at last with their own sharpness, and by their extensive researches they discover not only arguments [sophisms] which they cannot themselves solve, but also objections by which arguments which they have previously started or rather almost brought to a conclusion are upset.' For **efferre** = 'state:' cp. Or. 22. 72 'eadem res saepe aut probatur aut reicitur alio atque alio elata verbo.'

3. **adiunctum** is the word by which some translated the *συνημμένον ἀξίωμα* of the Stoic logic, i.e. the hypothetical judgment: cp. Gell. xvi. 8. 9 'sed quod Graeci *συνημμένον ἀξίωμα* dicunt, alii nostrorum adiunctum, alii connexum dixerunt; id connexum tale est, "si Plato ambulet, Plato movetur,"' etc. Cp. Diog. L. vii. 71 *συνημμένον μέν ἐστιν, ὡς ὁ Χρύσιππος ἐν ταῖς Διαλεκτικαῖς φησι καὶ Διογένης ἐν τῇ Διαλεκτικῇ τέχνῃ τὸ συνεστὸς διὰ τοῦ 'εἰ' συναπτικοῦ συνδέσμου. ἐπαγγέλλεται δὲ ὁ σύνδεσμος οὗτος ἀκολουθεῖν τὸ δεύτερον τῷ πρώτῳ, οἷον 'εἰ ἡμέρα ἐστὶ φῶς ἐστι.'* Cp. Prantl, Gesch. d. Logik, p. 446–7. Cic. however prefers to translate *συνημμένον* by *conexum* or sometimes *coniunctio*: so it is not likely that the word is here limited to that technical sense. Pid. and Sorof take it to be 'minor premisses' or 'subsumptions,' but the regular term for these is 'adsumptiones' [= *πρόσληψις* of the Stoic terminology, Zeller, p. 117. note]: cp. de Inv. i. 34. 59 'aut unum in locum cum conduxerit breviter propositionem [the major premiss] et adsumptionem, *adiungit*, quid ex his conficiatur:' and then follows an example. Cp. Tusc. v. 25. 72 'sequitur tertia, quae per omnes partes sapientiae manat et funditur, quae rem definit, genera dispertit, *sequentia adiungit*, perfecta concludit, vera et falsa diiudicat, disserendi ratio et scientia.' Ernesti, Clav. Cic. s.v. explains *adiungere* 'quid et quoque sequatur videre, vel docere,' which is nearly correct. Ellendt needlessly writes *fit* for *sic*: Henrichsen gives up the passage, but the text seems quite defensible. The Stoics paid great, and indeed undue attention to fallacies (e.g. Chrysippus among a number of treatises on the subject wrote no less than five on the one fallacy of the *ψευδόμενος*), but were so far from dealing with them satisfactorily, that they could often find no way out of their difficulties except by declining to continue the argument. Cp. Acad. ii. 29. 93, where the phrase for this is 'quiescere' = *ἡσυχάζειν*. See Zeller, p. 122, note.

7. **exorsa**, § 145 (note).

detexta prope: cp. Plaut. Amph. 290 'illic hoc homo denuo uolt pallium detexere,' where the interpretation of Lewis and Short is absurd: as the web in weaving was struck repeatedly by the shuttle and the comb, to 'finish weaving' a man's cloak was equivalent to giving him 'a good dressing.' Titinius, quoted by Nonius, p. 406. 19: (Ribbeck, Frag. Com. p. 136), has 'quae inter decem annos nequisti unam togam [Ribb. tógulam unam] detexere.' Cp. Lorenz on Plaut. Pseud. 384 (399 R.) 'neque éxordiri prímum unde occipiás, habes, | neque détexundam ad télam certos términos.'

8. **retexantur**: cp. Acad. ii. 29. 95 'quid quod eadem illa ars, quasi Penelope telam retexens, tollit ad extremum superiora.' The whole context, in which Cicero is discussing the Stoic dialectic is well worth reading (with Reid's notes) as illustrative of the argument of Antonius here.

quem ad modum inveniam quid dicam, non docet; atque idem etiam impedit, quod et multa reperit, quae negat ullo modo posse dissolvi, et genus sermonis adfert non liquidum, non fusum ac profluens, sed exile, aridum, concisum ac minutum, quod si qui probabit, ita probabit, ut oratori tamen aptum non esse fateatur; haec enim nostra oratio multitudinis est auribus adcommodanda, ad oblectandos animos, ad impellendos, ad ea probanda, quae non aurificis statera, sed populari quadam trutina
160 examinantur; qua re istam artem totam dimittimus, quae in excogitandis argumentis muta nimium est, in iudicandis nimium loquax. Critolaum istum, quem cum Diogene venisse commemoras, puto plus huic nostro studio prodesse potuisse; erat enim ab isto Aristotele, a cuius inventis tibi ego videor non longe aberrare. Atque inter hunc Aristotelem, cuius et illum legi librum, in quo exposuit dicendi artis omnium superiorum, et illos, in quibus ipse sua quaedam de eadem arte dixit, et hos

9. *dimittimus* Abγ Lagg. 13, 36 S: *dimittemus* KP. cum B Lagg. 2, 4, 32. 14. *Aristotelem* incl. K. 16. *de eadem arte* incl. K.

2. **multa reperit**: e.g. such fallacies as the 'mentiens,' the 'calvus' and the 'acervalis.' Cp. Cic. de Div. ii. 4. 11; Whately's Logic, Bk. III, and De Morgan's Formal Logic, ch. xiii, which is as amusing as it is sound.

3. **adfert**, 'employs;' cp. de Off. i. 3. 9.

liquidum, fusum, profluens, 'transparent, copious, and flowing.'

4. **exile**, 'meagre.'

concisum, 'broken:' 'genus dicendi *concisum* . . . numquam in laude, saepe in vitio ponitur.' Ell. cp. § 61, 327.

minutum, 'disjointed' = *κατακεκομμένη λέξις*.

5. **ita . . . ut**, 'with this limitation . . . that:' cp. § 327 'concisum est ita, ut non brevitati servitum sit, sed magis venustati.'

8. **statera**, 'balance,' can hardly be anything but a heteroclite adaptation of a Greek *στατήρ*, belonging to the same first stage of the introduction of Greek words into Latin, to which *trutina* = *τρυτάνη*, and many similar terms of commerce belong: cp. Corssen, ii.² 256, and 814: *στατήρ* is no longer extant in the meaning of 'balance,' but it would be the normal derivation from *ἱστάναι*, in its common signification of 'to weigh.' The word is usually said to mean a 'steelyard,' and this is evidently the instrument described under the name of *statera* by Vitruv. x. 8. No other passage but that in Vitruvius requires the meaning 'steelyard,' while some, in which two scales are spoken of (e.g. Petron. Sat. 35; Suet. Vesp. 25), positively require the meaning 'balance.' Cp. Conington on Pers. v. 100 'certo compescere puncto nescius examen:' and Pers. i. 6 'examenque improbum in illa castiges trutina:' but here it is evidently the more delicate instrument. The quotations from Persius also give the use of 'examen,' from which 'examinare,' in its primary force here retained, is derived.

13. **ab isto Aristotele**, 'a follower of Aristotle,' [cp. de Fin. v. 3. 7 'ab eo (Zenone) qui sunt,' i.e. the Stoics,] not in this instance a pupil, a rendering which chronology forbids: Aristotle died B.C. 322. Critolaus must have been born about B.C. 220–200. He was the sixth head of the Peripatetic school, the succession being Aristotle, Theophrastus, Straton, Lycon, Ariston, Critolaus. Critolaus had given much attention to rhetoric, which he maintained was not a science or an art, but 'usum dicendi (nam hoc *τριβή* significat'): Quintil. ii. 15. 23: cp. de Fin. v. 5.

14. **cuius . . . librum**, i.e. *τεχνῶν συναγωγήν*: Introd. p. 39.

16. **illos**, the three books of the Rhetoric, and also the Topica, § 152.

germanos huius artis magistros hoc mihi visum est interesse, quod ille eadem acie mentis, qua rerum omnium vim naturamque viderat, haec quoque aspexit, quae ad dicendi artem, quam ille despiciebat, pertinebant; illi autem, qui hoc solum colendum ducebant, habitarunt in hac una ratione tractanda non eadem prudentia, qua ille, sed usu in hoc uno genere studioque maiore. Carneadi vero vis incredibilis illa dicendi et varietas perquam **161**
esset optanda nobis, qui nullam umquam in illis suis disputationibus rem defendit, quam non probarit, nullam oppugnavit, quam non everterit. Sed hoc maius est quiddam, quam ab eis, qui haec tradunt et docent, postulandum sit.

Ego autem, si quem nunc rudem plane institui ad dicen- **39**
dum velim, his potius tradam adsiduis uno opere eandem **162**
incudem diem noctemque tundentibus, qui omnis tenuissimas particulas atque omnia minima mansa ut nutrices infan-

3. *ille* incl. K.

1. **germanos**, 'regular:' cp. ad Att. iv. 5. 3 'scio me asinum germanum fuisse;' Or. 9. 32 'germanos se putant esse Thucydides.' The word is here used with a certain irony.

4. **despiciebat**: i.e. in its practical application. Cicero when arguing that no Greek (except perhaps Demetrius Phalereus) had been distinguished at once as a philosopher and as an orator, adds (de Off. i. 1. 4) 'eodemque modo de Aristotele et Isocrate iudico, quorum uterque suo studio delectatus contempsit alterum.' It is not correct to say that Aristotle despised the art of rhetoric, which he treated with a profundity and completeness rarely if ever equalled: but he attached much less importance to form than to substance: and so was often at variance with the views of the 'stylistic' school, represented especially by Isocrates: Introd. pp. 39–41. For Cicero's acquaintance with the Rhetoric of Aristotle see § 32 (note).

5. **habitarunt in hac una ratione tractanda**, 'dwelt upon the discussion of this one branch of the theory' of rhetoric: *habitare* in this sense is a favourite expression with Cicero: cp. Or. 15. 49 'in bonis haerebit et habitabit suis:' cp. § 292; the same figure is somewhat less metaphorically applied in i. 62. 264, and is otherwise expressed in iii. 20. 77.

7. **Carneadi**: i. 19. 88 (note). For his oratorical power cp. i. 11. 45 (note); iii. 18. 68; Tusc. v. 4. 11; Acad. ii. 18. 60; de Fin. iii. 12. 41.

perquam, § 201. Roby, § 1649.

8. **esset**, i. . if we had the choice, which we have not.

9. **probarit**: see note on *insederit*, § 122.

10. **maius quam . . . postulandum sit**: for the omission of *ut* (the regular classical expression) or the relative (used by Livy and the poets) after a comparative, especially after *potius*, cp. Kühner, ii. 857; Madvig on de Fin. iv. 8. 20.

cc. 39–42. *A rapid sketch of the doctrine of 'topics,' (which are derived either from the case itself or from without) with illustrations* (§§ 162–173). *A brief treatment is pronounced sufficient; for attention and natural acuteness will do more than theory* (§§ 174–176). *There should be variety in the treatment to avoid wearying the audience* (§ 177).

13. **potius tradam**: 'I should prefer to hand him over.' Distinguish carefully between *potius* and *potissimum*.

uno opere, 'incessantly,' lit. 'as their one task:' cp. Hor. Carm. i. 7. 5 'sunt quibus unum opus est intactae Palladis urbem carmine perpetuo celebrare.'

14. **incudem**; so Tac. Dial. de Or. 20 'iuvenes, et in ipsa studiorum incude positi.'

omnis tenuissimas particulas, 'nothing but the very smallest pieces.'

15. **mansa**: cp. Quint. x. 1. 19 'repetamus autem et retractemus et ut cibos mansos ac prope liquefactos demittimus, quo facilius digerantur, ita lectio non cruda. sed multa iteratione mollita et velut confecta memoriae incitationique tradatur.'

tibus pueris in os inserant; sin sit is, qui et doctrina mihi
liberaliter institutus et aliquo iam imbutus usu et satis acri
ingenio esse videatur, illuc eum rapiam, ubi non seclusa
aliqua acula teneatur, sed unde universum flumen erumpat;
qui illi sedis et quasi domicilia omnium argumentorum com-
163 monstret et ea breviter inlustret verbisque definiat. Quid enim
est, in quo haereat, qui viderit omne, quod sumatur in ora-
tione aut ad probandum aut ad refellendum aut ex sua sumi vi
atque natura aut adsumi foris? ex sua vi, cum aut res quae sit
tota quaeratur, aut pars eius aut vocabulum quod habeat aut
quippiam, rem illam quod attingat; extrinsecus autem, cum ea,
164 quae sunt foris neque inhaerent in rei natura, conliguntur. Si
res tota quaeritur, definitione universa vis explicanda est, sic:
'si maiestas est amplitudo ac dignitas civitatis, is eam minuit, qui

1. *mihi* om. ABbγ K. 8. *probandum* [*refellendum*] K: *in oratione aut refellendum* A. (de quo parum recte testificatur K). 10. *quaeratur* codd. PS: *quaeritur* K. 13. *vis* om. K cum codd. mut.

The word means originally 'moisten,' rt. *mad*: cp. Corssen, Beitr. 246; Roscher in Curtius' Studien, iii. 133.

nutrices, always with a direct reference to feeding, and almost always = 'wet-nurse,' like the French *nourrice* [hence *nutrices* = 'breasts' in Catull. lxiv. 18] not for 'bonne d'enfants,' which is *assa* (Iuv. xiv. 208 with Mayor's note), nor for a 'sick-nurse,' for which a periphrasis must be used. It is not necessary to extend the meaning of the word even in Quint. i. 1. 4 'ante omnia ne sit vitiosus sermo nutricibus, quas si fieri posset, sapientes Chrysippus optavit.' Nonius, 140. 14 quotes from Varro Γνῶθι σεαυτόν: 'Dein certe alii fluctu, ut siccum | pareret mansum, quo venarum | sanguine rivos compleret.'

2. **imbutus**: the primary meaning is 'to make to drink in for the first time' (a causative from rt. *bu*: cp. *bua*, 'a drink,' Varro apud Non. p. 81. 3), hence 'stain, tinge.' Cp. Phil. xiv. 3. 6 'imbuti sanguine legionum gladii vel madefacti potius,' where it is quite absurd with Manutius (followed by Long) to suppose that Cicero substitutes a weaker word for a stronger one. Cp. ib. v. 7. 20 'cum semel gladium sanguine imbuisset:' Catull. lxiv. 11 'illa rudem cursu prima imbuit Amphitriten;' Mart. viii. 51. 17 'imbuit egregium digno mihi nectare munus,' etc. Translate 'and with some tincture of experience by this time.' Cp. Cicero, Phil. x. 10. 20 'nos ita a maioribus instituti atque imbuti sumus ut,' etc.

3. **illuc**, i. e. ad Aristotelem, hence followed by *qui*: 'to that source.'

4. **acula**, in i. 7. 28 of a brook: here rather of a pond.

5. **sedis** = τόποι, or 'loci,' § 121; i. 13. 56 (note).

9. **foris**, § 173.

ex sua vi, 'from the character of the subject-matter,' i.e. the ἄτεχνοι πίστεις 'in re positae,' § 116.

10. **quod**, interrogative, not relative; *vocabulum* being prefixed for the sake of emphasis.

11. **quod attingat**, 'which concerns:' cp. de Off. i. 22. 76 'quamquam haec quidem res non solum ex domestica est ratione: attingit etiam bellicam.'

13. **universa vis.** The last word is omitted by the codd. mutili, and therefore bracketed by Ell., who supposes that 'universa' (in his view a nom. sing. agreeing with 'res') was misunderstood by 'ineptus ille qui *vis* addidit.' With the numberless instances of careless omissions in Ab, etc. it is impossible to attach much importance to their evidence in such a case:—immediately above A omits 'ad probandum aut ad,' leaving nonsense;—and 'universa vis' is a very natural expression for 'the general conception of it.'

14. **si maiestas**, etc., a defence which

exercitum hostibus populi Romani tradidit, non qui eum, qui id
fecisset, populi Romani potestati tradidit.' Sin pars, partitione, 165
hoc modo: 'aut senatui parendum de salute rei publicae fuit aut
aliud consilium instituendum aut sua sponte faciendum; aliud
consilium, superbum; suum, adrogans; utendum igitur fuit
consilio senatus.' Si ex vocabulo, ut Carbo: 'si consul est, qui
consulit patriae, quid aliud fecit Opimius?' Sin ab eo, quod rem 166
attingit, plures sunt argumentorum sedes ac loci, nam et
coniuncta quaeremus et genera et partis generibus subiectas et
similitudines et dissimilitudines et contraria et consequentia et
consentanea et quasi praecurrentia et repugnantia et causas rerum
vestigabimus et ea, quae ex causis orta sint, et maiora, paria,
minora quaeremus. Ex coniunctis sic argumenta ducuntur: 'si 40
pietati summa tribuenda laus est, debetis moveri, cum Q. Metellum 167

Antonius may have used for Norbanus as against Caepio. Cp. Or. Part. 30. 104 'Prima adversariorum contentio diffusam habet quaestionem, . . ut in definitione: minueritne maiestatem Norbanus,' ib. 105 'In illis autem, ubi ita dicitur: non minuit maiestatem, quod egit de Caepione turbulentius; populi enim Romani dolor iustus vim illam excitavit, non tribuni actio: maiestas autem, quoniam est magnitudo quaedam populi Romani in eius potestate et iure retinendo, aucta potius est quam deminuta: et ubi ita refertur: maiestas est in imperii atque in nominis p. R. dignitate, quam minuit is, qui per vim multitudinis rem ad seditionem vocavit, exsistit illa disceptatio: minueritne maiestatem, qui voluntate p. R. rem gratam et aequam per vim egerit.'

2. **sin pars** quaeritur, **partitione** explicanda est.

4. **consilium**: cp. iii. 1. 2 'videndum sibi esse aliud consilium.'

sua sponte, 'independently.'

aliud consilium, sc. instituere.

5. **superbum**, i.e. would have shown a defiance of the constitution.

suum, sc. inire, with a zeugma, for 'consilium' has to be supplied, not in the sense of 'council,' but rather of 'counsel,' just as in Liv. ix. 2. 15 'ne advocantes quidem in consilium, quando neque consilio nec auxilio opus esset.' This would naturally, like the following instance, be part of the defence of Opimius by Carbo.

6. **si consul**, etc. Of course the derivation is incorrect, as put here; but the two words may very possibly be of the same origin. What that was is a difficult question, to which very different answers are still given. Cp. Corssen, ii. 71, Nachtr. 283, Curt. ii. 67; Mommsen, Röm. Gesch. 1. 246 (after some fluctuations of opinion), Nettleship in Journ. Phil. vol. iv. 272. Corssen gives 'convenire' as the primary meaning of 'consulere;' and this supplies a link; for from whatever root, 'consul' must carry with it the notion of joint action, like 'consilium.'

7. **rem attingit**: in Top. 2. 8 Cicero (closely following Aristotle) says, 'ex eis locis, in quibus argumenta inclusa sunt, [A] alii in eo ipso de quo agitur haerent, [B] alii adsumuntur extrinsecus: in ipso [A], (1) tum ex toto, (2) tum ex partibus eius, (3) tum ex nota, (4) tum ex eis rebus, quae quodam modo adfectae sunt ad id, de quo quaeritur.' We have had (1), (2), and (3); now comes (4), which is more fully discussed in Top. 9. 38 f. This category of 'connexion with the subject-matter' is further sub-divided into 15 subordinate categories or heads.

9. **coniuncta**, 'connected terms' = 'coniugata' of Top. 9. 38 'cuius est primus locus ex coniugatione, quam Graeci συζυγίαν vocant, finitimus notationi [derivation], de qua modo dictum est; ut si aquam pluviam eam modo intellegeremus, quam imbri collectam videremus, veniret Mucius, qui quia iugata verba essent "pluvia" et "pluendo" diceret omnem aquam oportere arceri, quae pluendo crevisset.' These are the ὅμοιαι πτώσεις of Aristotle.

partis, i. 42. 189 (note).

14. **pietati . . . pie** are 'coniuncta' as derived from the same stem. The story

tam pie lugere videatis.' Ex genere autem: 'si magistratus in
populi Romani esse potestate debent, quid Norbanum accusas,
168 cuius tribunatus voluntati paruit civitatis?' Ex parte autem ea,
quae est subiecta generi: 'si omnes, qui rei publicae consulunt,
cari nobis esse debent, certe in primis imperatores, quorum con-
siliis, virtute, periculis retinemus et nostram salutem et imperii
dignitatem.' Ex similitudine autem: 'si ferae partus suos diligunt,
169 qua nos in liberos nostros indulgentia esse debemus?' At ex
dissimilitudine: 'si barbarorum est in diem vivere, nostra con-
silia sempiternum tempus spectare debent.' Atque utroque in
genere et similitudinis et dissimilitudinis exempla sunt ex ali-
orum factis aut dictis aut eventis et fictae narrationes saepe
ponendae. Iam ex contrario: 'si Gracchus nefarie, praeclare
170 Opimius.' Ex consequentibus: 'si et ferro interfectus ille et tu

of the exertions of Q. Metellus Pius ('pertinaci erga exulem patrem amore tam clarum lacrimis quam alii victoriis cognomen adsecutus,' Val. Max. v. 2. 7) on behalf of his father, when the latter was banished because he would not swear obedience to the agrarian laws of Saturninus, is told by Vell. Pat. ii. 15. 4; and more fully by Appian, B.C. i. 33. Cp. also Ihne, Röm. G. v. 237.

1. **magistratus . . tribunatus**: the tribuneship was not strictly speaking a magistracy (Mommsen, Röm. St. ii. 257), but afterwards came to be justly regarded as such (ib. p. 279 ff).

in potestate esse, 'to be at the command of:' Norbanus is represented as simply carrying out the wishes of the people in his violent action.

4. **si omnes**, etc. 'Those who look after the interests of the state' evidently constitute the *genus* here; 'commanders' the *species*. I fail to understand Pid.'s difficulty, and his objections to the illustration.

5. **quorum consiliis**, etc. by 'virtue of whose plans,' etc., a kind of ablative of the instrument.

7. **ex similitudine**. This head is developed at more length in Top. 10. 41–45, and extended so as to include 'inductio' or ἐπαγωγή by means of a series of comparisons.

10. **sempiternum tempus spectare**. Some inferior MSS. prefix *in*; but when 'spectare' is used metaphorically, 'to have an eye to,' it always takes the simple accusative, or acc. with *ad*. For **in diem vivere**, cp. Bentley on Hor. Carm. iii. 29. 43.

12. **fictae narrationes**: cp. Top. 10. 45 'ficta etiam exempla similitudinis habent vim.'

13. **si Gracchus**: Abγ have 'sit Gracchus,' whence Sorof (after a conjecture of Halm's) read 'Si *Ti.* Gracchus:' if this is right, it can only imply a contrast between the conduct of Ti. Gracchus in opposing the senate and that of Opimius in supporting it, twelve years after: but this is to introduce a needless awkwardness of expression; and the same MSS. omit 'nefarie, praeclare Opimius:' hence they are not to be trusted here. I suppose that Sorof would regard this as an argument used by Crassus against Carbo: 'if you are right in defending Opimius, you ought to admit that Ti. Gracchus acted impiously, whereas you were a warm supporter of his conduct.' But it is more probable that it is taken from the speech of Carbo: 'if C. Gracchus was acting impiously, it was a noble deed of Opimius to slay him.'

14. **Ex consequentibus**; 'from corresponding circumstances.' Cicero seems to use 'consequentia' here as equivalent to 'coniuncta' in Top. 12. 52 'ante rem enim quaeruntur, quae talia sunt, apparatus, conloquia, locus, constitutum, convivium; cum re autem, pedum crepitus, strepitus hominum, corporum umbrae, si quid eius modi; at post rem, pallor, rubor, titubatio, si qua alia signa conturbationis et conscientiae, praeterea restinctus ignis, gladius cruentus ceteraque, quae suspicionem facti possint movere.' Cicero goes on to say: 'deinceps est locus dialecticorum proprius ex conse-

inimicus eius cum gladio cruento comprehensus in illo ipso loco
et nemo praeter te ibi visus est et causa nemini et tu semper
audax, quid est quod de facinore dubitare possimus?' Ex con-
sentaneis et ex praecurrentibus et ex repugnantibus, ut olim
Crassus adulescens: 'non si Opimium defendisti, Carbo, idcirco
te isti bonum civem putabunt: simulasse te et aliquid quaesisse
perspicuum est, quod Ti. Gracchi mortem saepe in contionibus
deplorasti, quod P. Africani necis socius fuisti, quod eam legem in
tribunatu tulisti, quod semper a bonis dissedisti.' Ex causis autem 171
rerum sic: 'avaritiam si tollere voltis, mater eius est tollenda, luxu-
ries.' Ex eis autem, quae sunt orta de causis: 'si aerarii copiis
et ad belli adiumenta et ad ornamenta pacis utimur, vectigalibus
serviamus.' Maiora autem et minora et paria comparabimus sic: 172
ex maiore: 'si bona existimatio divitiis praestat et pecunia tanto
opere expetitur, quanto gloria magis est expetenda!' ex minore:

'hic parvae consuetudinis

quentibus et antecedentibus et repugnantibus; nam coniuncta, de quibus paulo ante dictum est, non semper eveniunt, consequentia autem semper: ea enim dico consequentia quae rem necessario consequuntur.' The 'tu semper audax' does not suit the notion of necessary consequence, any more than the 'causa nemini:' hence Cicero appears to have modified his terminology in the later work. The editors who translate '*consequentia*' 'subsequent,' seem to overlook the possibility of this, and thus obscure the sense: *consentanea* evidently corresponds more nearly to the earlier 'consequentia.' If this interpretation is correct, we have another instance of the confusion of terminology, or perhaps rather of thought, which makes Prantl so angry with the 'Schwätzer' Cicero, as he delights to call him. We must remember, however, that Cicero is translating a Greek term (συμβεβηκότα) and that this is itself used with considerable laxity. The instance given by Martianus, Capella, iv. § 415, is 'secundus modus [condicionalis syllogismi] est qui appellatur a consequentibus ... si est rhetorice utilis, est bene dicendi scientia, ... non est autem bene dicendi scientia, non est utilis igitur.'

6. **isti**, sc. iudices. The quotation given includes illustrations of all three. 'It necessarily follows that you had some private end in view (*aliquid quaesisse*) in your defence of Opimius, for you lamented the death of Ti. Gracchus (§ 106, note): your share in the murder of Africanus was inconsistent with your claim to be a "bonus civis:" your whole previous political conduct points to selfish motives.' The circumstances of the death of Scipio Aemilianus have been well discussed by Ihne (Röm. G. v. 456-460), who comes to the conclusion that it was due to natural causes, as Laelius expressly said in his funeral speech (Schol. Bob. Cicero, Mil. 7. 2), and that the various mutually contradictory charges of murder were nothing but inventions of party spirit.

8. **eam legem**, i.e. 'ut eundem tribunum plebi quotiens vellet creare liceret.' Cic. Lael. 25. 96; Liv. Per. lix.; Ihne, R. G. v. 58; Mommsen, iii. 106.

13. **serviamus**, 'let us devote ourselves to:' 'inservire' and 'deservire' are used in the same way, with a somewhat stronger force.

14. **ex maiore**: Cicero seems to have been misled by the use of 'magis.' Of course the illustration is an argument 'ex minore ad maius.'

16. **hic**, etc.: from Ter. Andr. 110-112, where Simo takes the grief of his son Pamphilus at the funeral of Chrysis, with whom he had but a slight acquaintance, as a proof of his affectionate nature. It was really due to his sympathy with Glycerium the sister of Chrysis, with whom he was in love.

causa huius mortem tam fert familiariter:
quid si ipse amasset? quid hic mihi faciet patri?'

ex pari: 'est eiusdem et eripere et contra rem publicam largiri
173 pecunias.' Foris autem adsumuntur ea, quae non sua vi, sed extranea sublevantur, ut haec: 'hoc verum est; dixit enim Q. Lutatius. Hoc falsum est; habita enim quaestio est. Hoc sequi necesse est; recito enim tabulas.' De quo genere toto
41 paulo ante dixi. Haec, ut brevissime dici potuerunt, ita a me
174 dicta sunt; ut enim si aurum cui, quod esset multifariam defossum, commonstrare vellem, satis esse deberet, si signa et notas ostenderem locorum, quibus cognitis ipse sibi foderet et id, quod vellet, parvo labore, nullo errore, inveniret; sic has ego argumentorum† novi notas quaerenti demonstravi, ubi sint;
175 reliqua cura et cogitatione eruuntur; quod autem argumentorum genus cuique causarum generi maxime conveniat, non est artis exquisitae praescribere, sed est mediocris ingenii iudicare, neque enim nunc id agimus, ut artem aliquam dicendi explicemus, sed ut doctissimis hominibus usus nostri quasi quaedam monita tradamus. His igitur locis in mente et cogitatione defixis et in

7. *recito* codd. KP: *recita* S. 12. *sic has . . . eruuntur.* Sic in A legitur: vide infra.

1. **tam familiariter,** 'as though he had known her so well.'

3. **eripere,** sc. reipublicae.

contra rem publicam, 'against the interests of the state.'

5. **sublevantur,** 'are supported.'

6. **Q. Lutatius** Catulus. Introd. p. 24. This proverbial saying does not appear to be mentioned elsewhere.

quaestio, 'torture,' as in § 116.

7. **recito**: Sorof reads 'recita,' on the ground that at Rome as at Athens it was the custom for documents to be read in court by an official, not by the orator. Cp. in Verr. iv. 24. 53; v. 21. 54. But in pro Cluent. 23. 62 'recita' appears in a string of imperatives addressed to the counsel for the prosecution: 'redargue me, si mentior; testium dicta recita: doce,' etc. Hence so far from supporting the alteration, this passage goes to show that *recitare* could be used laxly for giving orders for the reading of papers, on the principle 'qui facit per alium, facit per se.' The correction is therefore needless. For the practice in Athenian courts cp. Kennedy's Demosthenes, iii. 389.

9. **multifariam**: Roby, § 526; Neue, ii². 679. Adverbs of this kind are perhaps adjectives with 'partem' understood. Kühner, i. 686.

13. **argumentorum† novi notas.** This passage is very corrupt in the MSS. Sorof reads '*recognovi* notas quaerenti*que* demonstravi.' Ell. reads 'argumentorum volui notas quaerenti demonstrare,' a good correction, if it were not that *demonstrari* is the reading only of Lagg. 2, 4, 13, 32 of the better MSS. Pid. 'argumentorum notas quaerenti demonstravi.' I would suggest 'argumentorum notavi notas quae quaerenti demonstrant,' a conjecture which I find has been proposed by Pearce. Cp. Or. 14. 46 'idemque (Aristoteles) locos . . . sic enim appellat—quasi argumentorum notas tradidit, unde omnis in utramque partem traheretur oratio.'

14. **reliqua,** i.e. the choice of the proper arguments, and their application to the case at issue.

16. **neque enim**: sc. 'Hence I will not enter upon a discussion of the choice of fitting arguments now; for,' etc.

18. **usus nostri,** 'arising out of (or suggested by) my own experience:' a gen. of cause. Roby, § 1280.

omni re ad dicendum posita excitatis, nihil erit quod oratorem effugere possit non modo in forensibus disceptationibus, sed omnino in ullo genere dicendi. Si vero adsequetur, ut talis 176 videatur, qualem se videri velit, et animos eorum ita adficiat, apud quos aget, ut eos, quocumque velit, vel trahere vel rapere possit, nihil profecto praeterea ad dicendum requiret.

Iam illud videmus nequaquam satis esse, reperire quid dicas, nisi id inventum tractare possis; tractatio autem varia esse 177 debet, ne aut cognoscat artem qui audiat aut defatigetur similitudinis satietate: proponi oportet quid adferas et qua re ita sit ostendere; ex eisdem illis locis interdum concludere, relinquere alias alioque transire; saepe non proponere ac ratione ipsa adferenda quid proponendum fuerit, declarare; si cui quid simile dicas, prius ut simile [dicas] confirmes, deinde quod agitur, adiungas; interpuncta argumentorum plerumque occulas, ne quis ea numerare possit, ut re distinguantur, verbis confusa esse videantur.

3. *si vero .... requiret*: incl. K post Bak. 14. *ut simile dicas* ABb, incl. K: *ut simile* [*dicas*] PS.

1. **excitatis,** 'brought out.' Nägelsb. Stil. p. 374.

3. **talis videatur**: cp. i. 19. 87.

4. **adficiat** depends, I think, on *ut* and is not, as Kühner, ii. 927, takes it, an instance of *si* with the pres. conj. and with the *fut. ind.* coordinated. Cp. however Tusc. ii. 7. 17; Roby, vol. ii. p. 220 (note).

5. **vel trahere,** by persuasion; **vel rapere,** by exciting strong emotions. For the ἦθος (*conciliare*) and the πάθος (*movere*) side by side with the *docere*, cp. § 121.

8. **nisi id inventum,** etc. Cp. ad Her. ii. 18. 27 'quoniam satis ostendisse videmur, quibus argumentationibus .. uti conveniret, consequi videtur, ut doceamus quem ad modum argumentationes ornate et absolute tractare possimus.' This subject is dealt with at length in the treatise 'ad Herennium:' here Cicero passes over it rapidly as being a familiar one.

9. **audiat,** compared with '**aget**' just above, shows the freedom with which the fut. and pres. ind. interchange in such clauses. Cp. § 178.

similitudinis satietate, like 'usus monita' above.

10. **proponi . . . ostendere**: for the change from passive to active cp. Brut. 52. 196 'quam captiosum esset populo, quod scriptum esset neglegi et opinione quaeri voluntates et interpretatione disertorum scripta simplicium hominum pervertere.' Other instances are quoted by Madvig on de Fin. ii. 10. 21.

11. **interdum** and **alias** correspond in the same way in iii. 54. 206, 'interdum vim, leporem alias.' Notice the *chiasmus*.

concludere, 'to draw the conclusion.'

relinquere, 'to pass over it,' sc. the *conclusio*.

12. **ac**: 'but rather,' § 74, 98, 147, etc.

14. **ut confirmes**: the construction is changed. Cicero does not construct *oportet* with *ut* and the conj., but the thought of the writer has passed from that particular word to the general notion of obligation. *Oportet ut* is not earlier than Augustine.

15. **interpuncta argumentorum,** 'the points which separate the various arguments:' there is sufficient MSS. evidence for this reading (A has a blot before *puncta*, but some letters evidently stood there): and it makes much better sense than *puncta* which Ell. prefers.

16. **verbis confusa,** 'closely connected, passing one into the other, in the way in which they are stated.' Cp. de Fin. v. 23. 67 'coniunctio confusioque virtutum,' and Holden on de Off. i. 27. 95; ii. 3. 10.

42 Haec properans ut et apud doctos et semidoctus ipse percurro,
178 ut aliquando ad illa maiora veniamus: nihil est enim in dicendo,
Catule, maius, quam ut faveat oratori is, qui audiet, utique ipse
sic moveatur, ut impetu quodam animi et perturbatione magis,
quam iudicio aut consilio regatur: plura enim multo homines
iudicant odio aut amore aut cupiditate aut iracundia aut dolore
aut laetitia aut spe aut timore aut errore aut aliqua permotione
mentis quam veritate aut praescripto aut iuris norma aliqua aut
179 iudicii formula aut legibus. Qua re, nisi quid vobis aliud placet,
ad illa pergamus.' 'Paulum' inquit Catulus 'etiam nunc deesse
videtur eis rebus, Antoni, quas exposuisti, quod sit tibi ante explicandum,
quam illuc proficiscare, quo te dicis intendere.' 'Quidnam?'
inquit. 'Qui ordo tibi placeat' inquit Catulus 'et quae
dispositio argumentorum, in qua tu mihi semper deus videri
180 soles.' 'Vide quam sim' inquit 'deus in isto genere, Catule:
non hercule mihi nisi admonito venisset in mentem; ut possis
existimare me in ea, in quibus non numquam aliquid efficere
videor, usu solere in dicendo vel casu potius incurrere. Ac res
quidem ista, quam ego, quia non noram, sic tamquam ignotum
hominem praeteribam, tantum potest in dicendo, ut ad vincendum
nulla plus possit; sed tamen mihi videris ante tempus a

1. *Haec ut et properans apud doctos* Abγ, etc. *Haec et properans ut* etc. KP. 19. *quia non noram* P codd.: *quasi non norim* K: *quia non memineram* S. Bak.

cc. **42–43.** *The importance of winning the favour of the audience is pointed out* (§ 178);—*in reply to a suggestion of Catulus, Antonius says that the proper time for discussing arrangement has not yet come* (§§ 179–181):—*and the means of securing it discussed* (§§ 182–184).

2. **aliquando**: i. 29. 133 (note). The correction of Pid. and K. is a little nearer to the MS. reading, but the neatness of the passage is evidently best preserved by Sorof's reading 'haec properans ut et apud doctos et semidoctus ipse:' the learning of his audience and the lack of it on his own part are the two reasons for the haste of Antonius.

3. **audiet**: for the indic. retained in a clause dependent upon one containing a conjunctive cp. Roby, § 1779: for the future tense, transferring a general principle to a particular case in time to come, cp. 'apud quos aget,' §§ 176, 182, 189; i. 11. 48 (note).

8. **veritate,** § 31; i 33. 149, opposed to **errore,** which has been quite needlessly suspected. Cp. Or. 33. 118; de Or. Part. 11. 38.

praescripto, 'definite behest.'

iuris norma, 'legal principle.'

9. **iudicii formula,** 'issue stated (procedure laid down) for a particular trial.' For the praetor's 'formula' with which he sent the parties 'in iudicium' to a suit before a 'iudex' cp. Gaius, iv. 30 ff.

14. **deus,** § 362; i. 23. 106; Introd. p. 16. Brut. 37. 139 'omnia veniebant Antonio in mentem, eaque suo quaeque loco, uti plurimum proficere et valere possent, ut ab imperatore equites, pedites, levis armatura, sic ab illo in maxime opportunis orationis partibus collocabantur.'

15. **quam . . . deus,** 'how much of a god,' § 133 (note).

19. **sic tamquam**: Brut. 18. 71 'Odyssia Latina est sic tamquam opus aliquod Daedali.' With Pid. I see no reason to change the MS. reading 'quia non noram' = 'because I did not recognise it,' when I passed it by like a stranger.

me rationem ordinis et disponendarum rerum requisisse; nam si 181 ego omnem vim oratoris in argumentis et in re ipsa per se comprobanda posuissem, tempus esset iam de ordine argumentorum et de conlocatione aliquid dicere; sed cum tria sint a me proposita, de uno dictum, cum de duobus reliquis dixero, tum erit denique de disponenda tota oratione quaerendum.

Valet igitur multum ad vincendum probari mores et instituta **43** [et facta et vitam] eorum, qui agent causas, et eorum, pro 182 quibus, et item improbari adversariorum, animosque eorum, apud quos agetur, conciliari quam maxime ad benevolentiam cum erga oratorem tum erga illum, pro quo dicet orator. Conciliantur autem animi dignitate hominis, rebus gestis, existimatione vitae; quae facilius ornari possunt, si modo sunt, quam fingi, si nulla sunt. Sed haec adiuvant in oratore: lenitas vocis, voltus pudor[is significatio], verborum comitas; si quid persequare acrius, ut invitus et coactus facere videare. Facilitatis, liberalitatis, mansuetudinis, pietatis, grati animi, non appetentis, non avidi signa proferre perutile est; eaque omnia, quae proborum, demissorum, non acrium, non pertinacium, non litigiosorum, non acerborum sunt, valde benevolentiam conciliant abalienantque ab eis, in quibus haec non sunt; itaque eadem sunt in adversarios ex contrario conferenda. Sed genus hoc totum orationis in eis 183 causis excellit, in quibus minus potest inflammari animus iudicis

9. [*et facta et vitam*] om. ABbγ: incl. K. 15. *voltus pudor*[*is significatio*] KS post Bakium. 22. *non sunt* KS ex B: *minus sunt* P Klotz. *sunt* A, etc.

8. **instituta**, 'principles.'

13. **dignitate**, etc. Volkmann, Rhet. p. 230, gives examples of these from the orators. The influence of the *ἦθος* of the speaker on his hearers is admirably discussed by Aristotle, Rhet. i. 2: *ἀλλὰ σχεδὸν ὡς εἰπεῖν κυριωτάτην ἔχει πίστιν τὸ ἦθος, κ.τ.λ.*; and ii. 1: *πολὺ γὰρ διαφέρει πρὸς πίστιν . . . τὸ ποιόν τινα φαίνεσθαι τὸν λέγοντα καὶ τὸ πρὸς αὐτοὺς ὑπολαμβάνειν πῶς διακεῖσθαι αὐτόν, πρὸς δὲ τούτοις ἐὰν καὶ αὐτοὶ μὲν διακείμενοί πως τυγχάνωσιν. τὸ μὲν οὖν ποιόν τινα φαίνεσθαι τὸν λέγοντα χρησιμώτερον εἰς τὰς συμβουλάς ἐστιν, τὸ δὲ διακεῖσθαί πως τὸν ἀκροατὴν εἰς τὰς δίκας.* Cp. above, § 115. Cope (Introd. p. 151) points out that Aristotle's conception of Rhetoric as an art requires that this *ἦθος* should be impressed by the speech, and not by the previous character of the speaker, therein differing from Cicero's and Quintilian's *auctoritas*.

14. **si modo**: i. 47. 204; Roby, § 1533 a.

15. **voltus pudoris significatio.** There is evidently something wrong here; but there is no clear indication of the way in which it should be corrected. If *voltus* is to be taken as the genitive, some word like 'dignitas' may have been lost before it. The omission of ['-is significatio'] with Bake, Kayser, and Sorof, makes a neat sentence, but it is not easy to account for the corruption in that case. [Mr. Reid suggests 'voltus candor,' comparing pro Caelio, § 36.]

23. **in eis causis**: i.e. where *πάθος* is out of place, *ἦθος* is most effective. Volkmann (p. 234) well quotes the close of the first speech of Lysias: *ἐγὼ γὰρ νῦν καὶ περὶ τοῦ σώματος καὶ περὶ τῶν χρημάτων*

acri et vehementi quadam incitatione; non enim semper fortis oratio quaeritur, sed saepe placida, summissa, lenis, quae maxime commendat reos. Reos autem appello non eos modo, qui arguuntur, sed omnis, quorum de re disceptatur; sic enim olim loque-
184 bantur. Horum igitur exprimere mores oratione iustos, integros, religiosos, timidos, perferentis iniuriarum mirum quiddam valet; et hoc vel in principiis vel in re narranda vel in perorando tantam habet vim, si est suaviter et cum sensu tractatum, ut saepe plus quam causa valeat. Tantum autem efficitur sensu quodam ac ratione dicendi, ut quasi mores oratoris effingat oratio; genere enim quodam sententiarum et genere verborum, adhibita etiam actione leni facilitatemque significante efficitur,
44 185 ut probi, ut bene morati, ut boni viri esse videamur. Huic autem

2. *summissa, lenis, quae* edd.: *summis alienisque* (!) A. 13. *videamur* KS: *videatur* P codd.

καὶ περὶ τῶν ἄλλων ἁπάντων κινδυνεύω, ὅτι τοῖς τῆς πόλεως νόμοις ἐπειθόμην.

3. **Reos**: cp. § 321, and Fest. s. v.: 'Gallus Aelius libro ii significationum verborum, quae ad ius pertinent, ait; reus est, qui cum altero litem contestatam habet, sive is egit, sive cum eo actum est.' So in Leg. xii. Tabb. ii. 2 'morbus sonticus . . . aut status dies cum hoste: quid horum fuit vitium iudici arbitrove reove, eo die diffensus esto,' quoted by Fest. p. 273 M.: cp. Gellius xx. 1. 27. *Reus* is connected with *reor*, but its derivation from *res* is more doubtful: cp. Wordsworth, Specimens, p. 518; Vaniček Et. W. pp. 766, 767.

5. **iustos**, etc. predicates after 'exprimere.'

6. **perferentis iniuriarum**, 'disposed to put up with wrongs:' the participle, when used of a character or tendency, not of an action at a particular time, takes the construction of a verbal adjective with the genitive: so § 364 'tam sui despiciens.' Roby, §§ 1074, 1314: Madvig, § 289 a. The latter notices that with an adverb the participle reverts to the construction of the verb: 'homo facile iniurias perferens.'

mirum quiddam: i. 3. 12 (note).

8. **cum sensu**, 'with feeling:' iii. 25. 96 'ut sensus, ut doloris habent quantum opus sit, non est singulorum articulorum.'

9. **sensu quodam ac ratione dicendi**, 'by a style of speaking, which displays real feeling.' **quodam** is intensive: cp. i. 5. 16; 50. 218.

10. **quasi mores . . . effingat**, 'seems to give a picture of the character.'

13. **probi . . . boni**, 'upright . . . good,' with a climax like that in Rom. v. 7 *μόλις γὰρ ὑπὲρ δικαίου τις ἀποθανεῖται· ὑπὲρ γὰρ τοῦ ἀγαθοῦ τάχα τις καὶ τολμᾷ ἀποθανεῖν.* (The false parallel quoted here by some editors from de Off. iii. 15. 64, is rejected by good editors: cp. Holden's not. crit. in loc.).

cc. **44–53**. *It is also of the greatest importance to inspire the suitable emotions in the minds of the audience; and to do this requires the greatest attention to their feelings at the time* (§§ 185–187). *In this Crassus was especially successful* (§ 188). *The orator should himself feel the emotions which he desires to excite* (§§ 189–190), *and this is quite natural, considering the character of his themes, as is shown by examples* (§§ 191–194), *especially by the instance of Antonius himself in the trials of Aquilius* (§§ 195–196), *and of Norbanus* (§§ 197–201). *Sulpicius here bears witness to the effect which Antonius produced in the latter* (§§ 202–204). *Antonius goes on to show that in some cases an attempt to work upon the feelings is out of place* (§ 205), *and dwells upon the proper way of exciting various emotions, and the danger of exaggeration* (§§ 206–208), *laying especial stress upon envy* (§§ 209–210), *and pity* (§ 211). *Conciliatory language must be united with emotional passages* (§ 212), *and the speaker must not hurry into or over the latter* (§§ 213–214). *Finally, the opponents' arguments must be met by arguments, his appeals to the emotions by exciting the opposite emotions.*

13. **Huic . . . . adiuncta**, 'closely connected with this.'

est illa dispar adiuncta ratio orationis, quae alio quodam genere mentis iudicum permovet impellitque, ut aut oderint aut diligant aut invideant aut salvum velint aut metuant aut sperent aut cupiant aut abhorreant aut laetentur aut maereant aut misereantur aut poenire velint aut ad eos motus deducantur, si qui finitimi sunt [de propinquis ac talibus animi permotionibus]; atque illud optandum est oratori, ut aliquam permotionem animorum sua sponte ipsi adferant ad causam iudices ad id, quod utilitas oratoris feret, adcommodatam; facilius est enim currentem, ut **186**
aiunt, incitare quam commovere languentem; sin id aut non erit aut erit obscurius, sicut medico diligenti, priusquam conetur aegro adhibere medicinam, non solum morbus eius, [cui mederi volet,] sed etiam consuetudo valentis et natura corporis cognoscenda est, sic equidem cum adgredior in ancipiti causa et gravi ad animos iudicum pertractandos, omni mente in ea cogitatione curaque versor, ut odorer, quam sagacissime possim, quid sentiant, quid existiment, quid exspectent, quid velint, quo deduci oratione

6. *de propinquis ac talibus animi permotionibus* codd. fere omnes : incl. KS.
12. [*cui mederi volet*] om. codd. mut.: incl. K.

2. **permovet impellitque**: Sorof notices how fond Cicero is of connecting the predicates of two coordinate clauses by *-que*, and bringing them into immediate juxtaposition.

3. **invideant**, 'look with ill-will upon him.'

5. **poenire** : so A and other good MSS., and the cod. Ambr. in de Rep. iii. 9. Brambach rejects it as archaic; but we may surely allow it to stand where the best MSS. give it. Cp. Corssen, i². 703.

deducantur: § 189. (A by a very common error has *diducant*.)

6. [**de propinquis ac talibus animi permotionibus**]. This reading of the great majority of the MSS. including all of the better class, manifestly points to a marginal gloss. The old reading, retained by Pid. 'et propinqui his ac talibus,' etc. looks like an easy but late correction.

9. **feret**, 'will require.' Pro Leg. Man. 27. 40 'si vestra voluntas fert,' and often.

currentem . . . incitare: cp. ad Q. fratr. i. 1. 16 'atque haec non eo dicuntur, ut te oratio mea dormientem excitasse, sed potius ut currentem incitasse videntur.' Ov. Ep. Pont. ii. 38 'nec nocet admisso subdere calcar equo.' Plin. Ep. i. 8. 1 'addidisti ergo calcaria sponte currenti.'

ut aiunt, 'as the proverb goes.'

11. **conetur**: Rob, § 1672.

12. **aegro**, adj. used substantively, to correspond with *medico*: this use is much more common in the oblique cases than in the nominative: cp. Kühner, ii. 170; Lael. 4. 14 'vereor ne invidi magis quam amici sit.' For the comparison cp. Plat. Phaedr. 270 B *ὁ αὐτός που τρόπος τέχνης ῥητορικῆς ὅσπερ καὶ ἰατρικῆς. ἐν ἀμφοτέραις δεῖ διελέσθαι τὴν φύσιν, σώματος μὲν ἐν τῇ ἑτέρᾳ, ψυχῆς δὲ ἐν τῇ ἑτέρᾳ, εἰ μέλλεις μὴ τριβῇ μόνον καὶ ἐμπειρίᾳ, ἀλλὰ τέχνῃ τῷ μὲν φάρμακα καὶ τροφὴν προσφέρων ὑγίειαν καὶ ῥώμην ἐμποιήσειν, τῇ δὲ λόγους τε καὶ ἐπιτηδεύσεις νομίμους, πειθὼ ἣν ἂν βούλῃ καὶ ἀρετὴν παραδώσειν.*

cui mederi volet, omitted by A and the better cod. Lagg.: hence probably only a gloss.

15. **cogitatione curaque**, 'attentive consideration,' hendiadys as in § 174.

16. **sagacissime**, in its primary sense of keen scent. Cp. Col. vii. 12. 7 'canes si advenientem sagaciter odorantur;' ad Att. vi. 4. 3 'illud praeterea *μυστικώτερον* ad te scribam, tu sagacius odorabere.'

187 facillime posse videantur. Si se dant et, ut ante dixi, sua sponte,
quo impellimus, inclinant atque propendent, accipio quod datur
et ad id, unde aliquis flatus ostenditur, vela do; sin est integer
quietusque iudex, plus est operis; sunt enim omnia dicendo
excitanda, nihil adiuvante natura. Sed tantam vim habet illa,
quae recte a bono poëta dicta est "flexanima atque omnium
regina rerum oratio," ut non modo inclinantem excipere aut
stantem inclinare, sed etiam adversantem ac repugnantem ut im-
45 perator fortis ac bonus capere possit. Haec sunt illa, quae me
188 ludens Crassus modo flagitabat, cum a me divinitus tractari
solere diceret et in causa M'. Aquilii C. Norbani non nullisque
aliis quasi praeclare acta laudaret, quae mehercule ego, Crasse,
cum a te tractantur in causis, horrere soleo: tanta vis animi,
tantus impetus, tantus dolor oculis, voltu, gestu, digito denique
isto tuo significari solet; tantum est flumen gravissimorum opti-
morumque verborum, tam integrae sententiae, tam verae, tam
novae, tam sine pigmentis fucoque puerili, ut mihi non solum

1. **se dant,** 'they put themselves into my hands,' i.e. if they seem ready to be impressed.

2. **inclinant atque propendent,** 'incline and lean:' cp. § 129. Ellendt's 'longe lectius' *incumbunt* has very slight authority. Aγ oddly read *incii*.

3. **ad id . . . vela do:** Kühner renders 'spread my sails to the quarter whence the wind comes:' this somewhat misses the point of the last clause: rather 'to that quarter where there seems some hope of a breeze.' 'Vela dare' is not here used in its most usual sense of 'to sail:' Cicero, though no sailor, would have hardly thought it possible to sail into the eye of the wind: but rather means 'to set one's sails' so as to catch a breeze coming from a particular quarter. This is also the force of the phrase in metaphors: e.g. Mart. viii. 70. 6 'Pieriam tenui pontem redimire corona | contentus famae nec dare vela suae.' Stripped of figure Antonius means that if he sees the judges are inclined to favour him on any particular point, he presses this with special energy.

integer, 'unbiassed,' 'neutral:' cp. de Nat. Deor. iii. 3. 7 'sic adgredior ad hanc disputationem, quasi nihil umquam audierim de dis immortalibus, nihil cogitaverim: rudem me et integrum discipulum accipe.'

6. **a bono poëta,** sc. Pacuvius, in his Hermione, called by Quintilian 'non ignobilis tragicus,' where he quotes the same phrase, i. 12. 18 (cp. Ribb. Frag. Trag. p. 98). The full trochaic septenarian ran 'ó flexanima atque ómnium regína rerum orátio,' which is said to have been imitated from Eur. Hec. 816 *πειθὼ δὲ τὴν τύραννον ἀνθρώποις μόνην.*

7. **excipere,** 'catch' in one's arms, and to secure for one's self. Ell. supposes that here, as in § 32, the figure is derived from hunting: but 'excipere inclinantem' is a very different thing from 'excipere voluntates.' Hence the explanation of Orelli, and Henrichsen is much to be preferred. Pid. quotes Liv. i. 41 'Tarquinium moribundum cum qui circa erant excepissent.' The old reading 'erigere' has little authority, and is based upon a misunderstanding: the *iudex* is unquestionably the object, not the defendant: it is quite needless with Ern. and others to adopt Crevier's bold conjecture 'impellere,' which could not possibly have got corrupted so generally.

14. **digito,** sc. the forefinger (*index*): cp. Quintil. xi. 3. 94 'at cum tres contracti pollice premuntur, tum digitus ille, quo usum optime Crassum Cicero dicit, explicari solet. Is in exprobrando et indicando, unde et ei nomen est, valet,' etc.

17. **sine pigmentis:** cp. iii. 25. 100; 52. 199; and for the construction § 28 (note).

tu incendere iudicem, sed ipse ardere videaris. Neque fieri 189 potest, ut doleat is, qui audit, ut oderit, ut invideat, ut pertimescat aliquid, ut ad fletum misericordiamque deducatur, nisi omnes illi motus, quos orator adhibere volet iudici, in ipso oratore impressi esse atque inusti videbuntur. Quodsi fictus aliquis dolor suscipiendus esset et si in eius modi genere orationis nihil esset nisi falsum atque imitatione simulatum, maior ars aliqua forsitan esset requirenda: nunc ego, quid tibi, Crasse, quid ceteris accidat, nescio; de me autem causa nulla est, cur apud homines prudentissimos atque amicissimos mentiar: non me hercule umquam apud iudices aut dolorem aut misericordiam aut invidiam aut odium dicendo excitare volui quin ipse in commovendis iudicibus eis ipsis sensibus, ad quos illos adducere vellem, permoverer; neque est enim facile perficere, ut irascatur 190 ei, cui tu velis, iudex, si tu ipse id lente ferre videare; neque ut oderit eum, quem tu velis, nisi te ipsum flagrantem odio ante viderit; neque ad misericordiam adducetur, nisi tu ei signa doloris tui verbis, sententiis, voce, voltu, conlacrimatione denique ostenderis; ut enim nulla materies tam facilis ad exardescendum est, quae nisi admoto igni ignem concipere possit, sic nulla mens

1. *incensus videaris* B Lagg. 2, 4: *esse* addidit Lambinus: *videaris incendi* P: *ardere videaris* Ell. S.

1. **sed ipse ardere videaris**: 'ardere' is omitted by A. Ell. from some traces in the better Lagg. reads 'incendi:' but in § 190 we have *ardens* of the orator and *incendi* of his audience, (cp. Or. 38. 132, quoted below). Besides the form 'videaris,' unusual in Cicero for 'videare,' points to a preceding infinitive in *-re*: the form in *-ris* was chosen to avoid cacophony with the infinitive.

Neque fieri potest, etc. Cp. Or. 38. 132 'nec unquam is, qui audiret, incenderetur, nisi ardens ad eum perveniret oratio:' Hor. A. P. 101 'ut ridentibus arrident, ita flentibus adsunt | humani voltus: si vis me flere, dolendum est | primum ipsi tibi; tunc tua me infortunia laedent.' Quintil. vi. 2. 26 'summa enim, quantum ego quidem sentio, circa movendos affectus in hoc posita est, ut moveamur ipsi:' (cp. the context).

4. **adhibere**, 'bring to bear upon,' with a reference to 'adhibere medicinam' in § 186.

5. **inusti**, as usual after 'atque,' stronger than *impressi*.

7. **imitatione simulatum**, supplies the lack of a *passive* participle from 'imitari.'

8. **nunc**, 'as things are' at present; opposed to the untrue hypothesis 'si suscipiendus esset,' etc. Cp. Kühner on Tusc. iii. 1. 2.

15. **id**, put loosely for the matter at which you desire to rouse his anger.

18. **collacrimatione**. The part played by tears in the ancient oratory is somewhat at variance with our modern Northern tastes. Cp. Cic. pro Planc. ad fin. 'plura ne dicam tuae [i.e. of the presiding judge] me etiam lacrimae impediunt vestraeque, iudices, non solum meae.' So pro Sest. 11. 26 'flens universus ordo consulem orabat;' 62. 130 'collacrimavit vir egregius ac vere Metellus,' where Halm notes 'Apte contulit Abrami proverbium Graecum ἀγαθοὶ δ' ἀριδάκρυες ἄνδρες;' a saying not always true: e.g. Sulla shed tears readily (Plut. Syll. c. 30; iii. 183, Clough).

19. **facilis ad exardescendum**, 'inflammable:' for similar periphrases cp. Nägelsb. Stil. p. 342.

20. **igni**: so A and most MSS. here. Neue, i^2. pp. 220-221 gives a very full

est tam ad comprehendendam vim oratoris parata, quae possit
46 incendi, nisi ipse inflammatus ad eam et ardens accesserit. Ac, ne
191 hoc forte magnum ac mirabile esse videatur hominem totiens irasci, totiens dolere, totiens omni motu animi concitari, praesertim in rebus alienis, magna vis est earum sententiarum atque eorum locorum, quos agas tractesque dicendo, nihil ut opus sit simulatione et fallaciis; ipsa enim natura orationis eius, quae suscipitur ad aliorum animos permovendos, oratorem ipsum magis etiam quam quemquam eorum, qui audiunt, permovet.
192 Et ne hoc in causis, in iudiciis, in amicorum periculis, in concursu hominum, in civitate, in foro accidere miremur, cum agitur non solum ingenii nostri existimatio, nam id esset levius;—quamquam, cum professus sis te id posse facere, quod pauci, ne id quidem neglegendum est; sed alia sunt maiora multo, fides, officium, diligentia, quibus rebus adducti, etiam cum alienissimos defendimus, tamen eos alienos, si ipsi viri boni volumus haberi,
193 existimare non possumus—sed, ut dixi, ne hoc in nobis mirum esse videatur, quid potest esse tam fictum quam versus, quam scaena, quam fabulae? tamen in hoc genere saepe ipse vidi, ut ex persona mihi ardere oculi hominis histrionis viderentur † spondalli dicentis:

2. *accesserit* KP: *accesseris* S (de A parum liquet). 20. *spondalli*: sic Aγ etc. Frustra corrigere conati sunt viri docti.

statement of the authorities for this form, which is always found in Lucr. and Hor. and in the legal phrase 'aqua et igni interdicere:' never in Martial.

2. **accesserit** has more authority than *accesseris*, which is found only in the inferior MSS. (not, as Sorof says, in Aγ), and is better after *ipse*, which refers to 'oratoris.'

ne videatur . . . magna vis est. Roby, § 1660.

6. **nihil ut**, § 2 (note).

13. **quod pauci**, sc. 'possunt:' cp. i. 8. 31.

14. **sed alia sunt maiora**, an anacoluthon, after the parenthesis. The clause would have run more regularly 'sed et aliorum multo maiorum, fidei,' etc., sc. 'existimatio agitur.'

17. **sed**, resumptive, after the digression.

19. **scaena**, the well-established orthography (cp. C. I. L. i. p. 594; Ribbeck Prol. in Verg. p. 387; Corssen, i². 325), wrongly rejected here by Ellendt. It is not impossible that in the pronunciation of this word we have an indication that it came to the Romans through the Doric Greek of Southern Italy.

vidi ut viderentur, § 151.

20. **persona**, i.e. through the eye-holes in the mask. For the whole sentiment cp. Hamlet's speech, 'Is it not monstrous,' etc. Hamlet, ii. 2. 531–545.

hominis histrionis: so ad Fam. xii. 22 'cum homine gladiatore:' this is not to be taken as a Grecism, like *ἄνδρες ἀδελφοί*, but is common in the comedians: e.g. Plaut. Trin. 131 'amanti homini adulescenti;' Ter. Ad. 562 'verberare hominem senem;' Phorm. 292 'servom hominem,' etc. I do not know on what authority Ribbeck (Röm. Trag.) now writes *istrio*. No good MS. anywhere appears to give this form; if Aufrecht, Kuhn's Ztschr. ix. 231, is right in tracing it to the root *ghas*, 'laugh,' etymology does not support it. Cp. Liv. vii. 2. 6, who gives *hister* as an Etruscan word.

†**spondalli.** No conjecture hitherto proposed is at all convincing. That of

segregare abs te ausu's aut sine illo Salamina ingredi?
neque paternum aspectum es veritus?

numquam illum aspectum dicebat, quin mihi Telamo iratus furere luctu filii videretur; at idem inflexa ad miserabilem sonum voce,

cum aetate exacta indigem
liberum lacerasti, orbasti, exstinxti; neque fratris necis,
neque eius gnati parvi, qui tibi in tutelam est traditus,

flens ac lugens dicere videbatur; quae si ille histrio, cotidie cum ageret, tamen [recte] agere sine dolore non poterat, quid Pacuvium putatis in scribendo leni animo ac remisso fuisse? fieri nullo modo potuit. Saepe enim audivi poëtam bonum neminem 194

6. *cum* Lamb Ell. cum codd. opt.: legebatur *quem*. 10. [*recte*] suo iure inclusit Ern. quem sequuntur Pid. KS.

Salmasius, which has found much favour, 'spondaulia,' as G. Hermann (Opusc. i. 304) well shows, is inconsistent with 'dicentis,' 'dicebat.' The word is only known from Diomedes, 476. 13.

Pid. adopts Jeep's 'excellent' conjecture 'ut sua sponte aliena:' but this is far removed from the MSS., and is not strongly recommended by the sense: 'sua sponte' can hardly be forced into meaning 'as if they were the expression of his own feelings.' Hermann's 'e sponda illa' is better than any other suggestion, but the 'couch' of Telamon was not well-known enough to bear the epithet 'illa.'

1. **segregare**, sc. Aiacem. Teucer was engaged in a night-foray, when Ajax committed suicide: Soph. Aj. 342, 564, 720.

In the Teucer of Pacuvius, imitated from a (lost) play of Sophocles bearing the same name, Telamon was represented as full of wrath at his illegitimate son Teucer for having returned without his half-brother Ajax. He banished him from Salamis, and Teucer withdrew to Cyprus, where he founded a new Salamis. Cp. Hor. Carm. i. 7. 21 ff. Soph. Aj. 982 ff.

3. **illum aspectum** = illud vocabulum 'aspectum:' cp. iii. 38. 154 'ille senius desertus' = that phrase 'senius desertus:' de Nat. D. ii. 3. 7 'ex quo illa (the expressions) ostenta, monstra, portenta, prodigia dicuntur.' Nägelsb. Stil. p. 23. Hence Lambinus's conjecture *illud* is needless.

6. **indigem liberum**, 'bereft of my children,' not, I think, proleptic as Sorof takes it, so as to include the banishment of Teucer, but referring only to Ajax, or rather to the bereaved condition of Telamon, generally 'childless.' The shorter form of the genitive is quite as common, even in prose writers, as the longer form, except in the legal phrase, 'ius trium liberorum:' cp. Neue, i². 103, 104.

7. **fratris necis**, sc. 'memor fuisti,' or some similar expression.

8. **gnati**, sc. Eurysaces, the young son of Ajax by Tecmessa, a princess of Phrygia, whom he had captured and made his mistress during the course of the Trojan war. For the scansion 'nĕque ĕius' cp. Lachmann, Lucr. p. 161. Ell. wrongly lengthens 'nec' and makes 'eius' a monosyllable.

est traditus: cp. Soph. Aj. 562 *τοῖον πυλωρὸν φύλακα Τεῦκρον ἀμφί σοι | λείψω τροφῆς ἄοκνον ἔμπα, κεἰ τανῦν | τηλωπὸς οἰχνεῖ, δυσμενῶν θήραν ἔχων.*

9. **cotidie**, in practice, I suppose: there was no such thing as a regular theatre open daily at Rome. It may however refer to the repetition of the same play several times during games which lasted over several days.

10. **[recte]** is rightly rejected as a worse than otiose gloss (which spoils the comparison with the poet) by all editors since Ernesti, except Ell., who accepts Matthiae's defence of it, but this ignores the point: in spite of the familiarity arising from daily repetition, the actor could not deliver this passage without really feeling its pathetic character himself.

quid: cp. i. 17. 79 (note); iii. 9. 34; de Nat. D. i. 27. 78 'quid censes, si ratio esset in beluis, non suo quasque generi plurimum tributuros fuisse?' Holden in de Off. ii. 7. 25; Kühner, ii. 998. It is

—id quod a Democrito et Platone in scriptis relictum esse dicunt—sine inflammatione animorum exsistere posse et sine
47 quodam adflatu quasi furoris. Qua re nolite existimare me ipsum, qui non heroum veteres casus fictosque luctus velim imitari atque adumbrare dicendo neque actor sim alienae personae, sed auctor meae, cum mihi M'. Aquilius in civitate retinendus esset, quae in illa causa peroranda fecerim, sine magno
195 dolore fecisse: quem enim ego consulem fuisse, imperatorem ornatum a senatu, ovantem in Capitolium ascendisse meminissem, hunc cum adflictum, debilitatum, maerentem, in summum discrimen adductum viderem, non prius sum conatus misericordiam aliis commovere, quam misericordia sum ipse captus: sensi equidem tum magno opere moveri iudices, cum excitavi maestum ac sordidatum senem et cum ista feci, quae tu, Crasse, laudas,

erroneous to write 'quid? Pacuvium,' with Ell. and earlier editors.

1. **Democrito**: cp. Hor. A. P. 'excludit sanos Helicone poetas Democritus:' de Div. i. 37. 80 'negat enim sine furore Democritus quemquam poetam magnum esse posse, quod idem dicit Plato:' and Plat. Phaedr. 245 A *ὃς δ' ἄνευ μανίας Μουσῶν ἐπὶ ποιητικὰς θύρας ἀφίκηται, πεισθεὶς ὡς ἄρα ἐκ τέχνης ἱκανὸς ποιητὴς ἐσόμενος, ἀτελὴς αὐτός τε καὶ ἡ ποίησις ὑπὸ τῆς τῶν μαινομένων ἡ τοῦ σωφρονοῦντος ἠφανίσθη*; Meno, 99 c; Ion, 533 E ff.

2. **et sine quodam adflatu quasi furoris**, i.e. 'without a kind of inspired frenzy:' *et* is explanatory; cp. Reid on pro Arch. 8. 18: we find also *instinctus* (Tusc. i. 26. 64 'sine caelesti aliquo mentis instinctu,' coupled with *adflatus* in de Div. i. 6. 12 'instinctu divinoque adflatu'), and *concitatio* (de Div. ii. 11. 27 'c. mentis') as equivalent to our 'inspiration.' For *furor* cp. de Div. i. 31. 66 'si exarsit acrius [ea praesagitio], furor appellatur, cum a corpore animus abstractus divino instinctu concitatur.'

4. **velim . . . sim**, restored by Ell. from the good MSS. for the older reading *vellem . . . essem*: the relative introduces a general statement, not one bearing upon the particular case only.

5. **actor . . . auctor**, 'acting . . . representing:' cp. Nägelsb. Stil. p. 175.

8. **fecisse**, an exception to the general rule for the construction of 'memini,' because Antonius remembered the fact that he had been, not his being, consul: Roby, § 1372.

9. **ornatum**, Pid. says by the decree which conferred the right of 'ovatio;' but the senate seems often, especially in the later days of the republic, to have conferred the title of 'imperator' (cp. Phil. xiv. 4. 12), which was more regularly due to the salutation of the soldiers (Tac. Ann. iii. 74): so we may translate 'honoured with the title of imperator.'

ovantem, not 'triumphantem,' because his victories had been gained in a servile war. Mommsen, Röm. St. i. 111, who refers to Athenaeus, v. 213 b.

ascendisse, on foot, or according to others on horseback (Gell. v. 6. 27), not, as in a triumph, in the gilded 'quadriga.'

14. **sordidatum**, 'in the dress of mourning,' as usual with a 'reus:' cp. Liv. iii. 47 'Verginius sordidatus filiam secum obsoleta veste in forum deducit.' Becker (Gallus, iii. 154) holds that 'sordidatus' is in no case to be understood of dirty raiment, but means for senators the adoption of the 'clavus angustus,' for equites the adoption of the plain tunic, for private persons, the 'toga pulla.' But these more formal expressions of grief would doubtless be accompanied with a generally neglected appearance. We have 'squalore et sordibus' in pro Mur. 40. 86, and pro Cluent. 6. 18, where see Ramsay's note. It may be noted that 'sordibus' contains the same root as our 'swart,' German 'schwartz;' Corssen, i. 314; ii. 64; Vaniček, Wtb. p. 1228.

laudas, § 127.

non arte, de qua quid loquar nescio, sed motu magno animi ac
dolore, ut discinderem tunicam, ut cicatrices ostenderem. Cum 196
C. Marius maerorem orationis meae praesens ac sedens multum
lacrimis suis adiuvaret cumque ego illum crebro appellans con-
legam ei suum commendarem atque ipsum advocatum ad com-
munem imperatorum fortunam defendendam invocarem, non fuit
haec sine meis lacrimis, non sine dolore [magno] miseratio
omniumque deorum et hominum et civium et sociorum im-
ploratio; quibus omnibus verbis, quae a me tum sunt habita, si
dolor afuisset meus, non modo non miserabilis, sed etiam inri-
denda fuisset oratio mea. Quam ob rem hoc vos doceo, Sulpici,
bonus ego videlicet atque eruditus magister, ut in dicendo irasci,
ut dolere, ut flere possitis. Quamquam te quidem quid hoc 197
doceam, qui in accusando sodali meo tantum incendium non
oratione solum, sed etiam multo magis vi et dolore et ardore
animi concitaras, ut ego ad id restinguendum vix conarer acce-
dere? Habueras enim tu omnia in causa superiora: vim, fugam,
lapidationem, crudelitatem tribuniciam in Caepionis gravi miser-
abilique casu in iudicium vocabas; deinde principem et senatus
et civitatis, M. Aemilium, lapide percussum esse constabat; vi
pulsum e templo L. Cottam et T. Didium, cum intercedere

7. [*magno*] om. ABγ: incl. K. 12. *ut in dicendo*: parum recte suspicatur K. ante haec verba excidisse *enitendum esse*. 14. *sodali*: codd. mut.: *sodali et quaestore* vulg. 19. *deinde* . . . *et* om. B, incl. K.

1. **non arte**: Quintilian (vi. 1. 37–49) well points out the danger of such devices becoming ridiculous if over-elaborated.

2. **ut discinderem**, 'tearing open,' explanatory of *ista*: Madvig, § 374; Roby, § 1700.

3. **praesens ac sedens**, a kind of technical expression for the position of the 'advocati,' who were present to lend their countenance and support to the accused: 'in court and supporting him.' Aquilius had been colleague of Marius in his fifth consulship, B.C. 101.

5. **suum**: Roby, § 2265.

12. **videlicet**, to point the irony with which Antonius speaks of himself as a 'bonus et eruditus magister,' the very character which he has been disclaiming throughout.

14. **sodali.** The quaestor was always regarded as holding a specially close relation to the superior magistrate under whom he served, a relic probably of the times at which consuls and quaestors were the only magistrates of the state, and the latter were the chief assistants of the former (Mommsen, R. St. ii. 504). See Introd. p. 14. The gloss [et quaestore] is found in no good MS. and is doubtless spurious.

15. **oratione**, i.e. the language used: **vi**, 'passion.'

17. **omnia superiora**, 'everything in your favour.'

19. **principem**: this goes to confirm Mommsen's view of the real meaning of the title *Princeps*, as assumed by the Emperors. Cp. Röm. St. ii. p. 734. Pelham in Journal of Philology, viii. 323 ff.

21. **templo**, 'a consecrated spot:' i.e. the *rostra*: cp. Liv. viii. 14. 12 'naves Antiatium partim in navalia Romae subductae partim incensae, rostrisque earum suggestum in foro extructum adornari placuit: rostraque id templum appellatum;' ib. ii. 56. 10 'occupant tribuni templum postero die;' iii. 17. 1 'P. Valerius . . . se ex curia proripit, inde in templum ad

48 vellent rogationi, nemo poterat negare; accedebat, ut haec tu
198 adulescens pro re publica queri summa cum dignitate existimarere; ego, homo censorius, vix satis honeste viderer seditiosum civem et in hominis consularis calamitate crudelem posse defendere. Erant optimi cives iudices, bonorum virorum plenum forum, vix ut mihi tenuis quaedam venia daretur excusationis, quod tamen eum defenderem, qui mihi quaestor fuisset. Hic ego quid dicam me artem aliquam adhibuisse? Quid fecerim, narrabo; si placuerit, vos meam defensionem in aliquo artis loco
199 reponetis: omnium seditionum genera, vitia, pericula conlegi eamque orationem ex omni rei publicae nostrae temporum varietate repetivi conclusique ita, ut dicerem, etsi omnes semper molestae seditiones fuissent, iustas tamen fuisse non nullas et prope necessarias. Tum illa, quae modo Crassus commemorabat, egi: neque reges ex hac civitate exigi neque tribunos plebis creari neque plebiscitis totiens consularem potestatem minui neque provocationem, patronam illam civitatis ac vindicem libertatis, populo Romano dari sine nobilium dissensione potuisse; ac, si illae seditiones saluti huic civitati fuissent, non continuo, si

7. *quaestor*; *legatus* Aγ. Lagg. 2, 4, 13, 32, 36.

tribunos venit.' Cic. in Vat. 10. 24 'cum Vettium . . . in rostris, in illo augurato templo ac loco collocaris.' Varro, de Ling. Lat. vii. 8. (p. 119, Müll.) defines 'templum' to be 'omnem locum augurii aut auspicii causa quibusdam conceptis verbis finitum.'

L. Aurelium Cottam, mentioned also in iii. 11. 42; 12. 46. Nothing further is known of T. Didius.

1. **accedebat ut**, etc.: the difference between this construction (for which cp. Dräger, Hist. Synt. ii. 231 ff.), and the more usual 'accedit quod' is discussed by Kühner, Ausf. Gr. ii. 837; (cp. also his note on Tusc. i. 19 43, and Reid on de Sen. 6. 16). The latter states a fact merely as such: the former represents it as consequent upon or closely connected with some preceding fact.

3. **vix satis honeste viderer**, etc. A good instance of the usual preference of the personal over the impersonal construction. Kühner, ii. 520 ff. We must adopt the latter in translation, 'it seemed hardly possible for me honourably to defend.'

5. **iudices**, at this time equites, the lex Servilia of Glaucia being then in force. See § 199, ad fin.

7. **tamen**, 'after all:' i. 47. 205 (note).

9. **in aliquo artis loco reponetis**, 'you shall find some place in your theory for,' etc.

10. **omnium seditionum genera**, 'the various classes into which all disturbances may be divided.' It is quite needless with Schütz to read 'omnia.'

16. **consularem potestatem minui**. Ellendt justly points out that Antonius is perverting history for his own purpose. The limitations of the power of the consul were due to the desire of the patricians to reserve some powers exclusively for themselves; as is plain from the account of the institution of the praetorship and the consulship: Liv. iv. 8. 5. See however Mommsen's differing view in Röm. St. ii. 309.

17. **provocationem**: according to Mommsen, this was a matter of royal grace at first, and was established as a right upon the establishment of the republic. Hist. i. 67, 83, 159, 450.

quis motus populi factus esset, id C. Norbano in nefario crimine atque in fraude capitali esse ponendum. Quodsi umquam populo Romano concessum esset, ut iure incitatus videretur, id quod docebam saepe esse concessum, nullam illa causa iustiorem fuisse. Tum omnem orationem traduxi et converti in increpandam Caepionis fugam, in deplorandum interitum exercitus: sic et eorum dolorem, qui lugebant suos, oratione refricabam et animos equitum Romanorum, apud quos tum iudices causa agebatur, ad Q. Caepionis odium, quo erant ipsi propter iudicia abalienati, renovabam. Quod ubi sensi me in possessionem 49
iudicii ac defensionis meae constitisse, quod et populi benevolen- 200
tiam mihi conciliaram, cuius ius etiam cum seditionis coniunctione defenderam, et iudicum animos totos vel calamitate civitatis vel luctu ac desiderio propinquorum vel odio proprio in Caepionem ad causam nostram converteram, tum admiscere huic generi orationis vehementi atque atroci genus illud alterum, de quo ante disputavi, lenitatis et mansuetudinis coepi: me pro meo sodali, qui mihi in liberum loco more maiorum esse deberet, et

1. *in nefario crimine atque*: om. Lgg. 2, 4, 13, 32. incl. K: *in nefario crimine* om. ABb (legitur tamen *atque*). 8. *iudices* incl. K. 10. *renovabam* ABγ Lgg. 2, 4, 13, 36. *revocabam* b: *renovabam atque revocabam* P. vulg.

1. **crimine**, even in Cicero sometimes = 'crime,' as well as 'charge.'

2. **fraude capitali**: cp. pro Rab. Perd. 'si fraudem capitalem admisit, quod arma contra L. Saturninum tulit.'

6. **fugam**, from the field of battle, not his exile. Introd. p. 9.

7. **refricabam**, properly of opening a wound that has healed over: cp. de Leg. Agr. iii. 2. 4 'ne refricare obductam iam reipublicae cicatricem viderer:' ad Fam. v. 17. 4. 'vereor . . . . ne refricem meis literis desiderium ac dolorem tuum.'

8. **apud quos . . . iudices**, 'who composed the jury before whom,' a common compression.

9. **ad odium renovabam**, 'aroused to fresh hatred.' The editions before Ern. add 'atque revocabam,' which is found in no good MS., except that two have 'revocabam' written above 'renovabam:' hence the origin of the gloss is in this case unusually clear.

10. **in possessionem. . . constitisse**: this construction, due to a combination of the two notions of motion to, and subsequently rest in, is too well established here and elsewhere to be suspected. Cp. Halm on Div. in Caec. 20. 69 'nationibus quae in amicitiam populi Romani dicionemque essent.' Gellius (i. 7. 16) read 'in praedonum fuisse potestatem sciatis:' in de Imp. Cic. Pomp. 12. 33 which Kayser (but not Halm) retains.

Quod, introductory: strictly speaking a relative, the object of 'sensi,' explained by 'me constitisse.'

12. **cum seditionis coniunctione** = 'cum coniunctum esset cum seditione.'

13. **iudicum** = 'court.' When I saw that I had gained a hold over the court and of my own line of defence.'

18. **in liberum loco**: cp. Introd. p. 14, with the references there (ad Fam. iii. should be xiii). For *liberi* used of one child, cp. ad Fam. iv. 5. 3 'at vero malum est liberos amittere' (of Tullia), and still more plainly just before 'generum deligere, cuius fidei liberos tuos te tuto committere putares.' In Cat. i. 2. 4 'occisus est cum liberis M. Fulvius' is not an instance in point, though sometimes quoted as such; for two sons of Fulvius were killed, though not at the same time and place: but de Prov. Cons. 14, 35 is: 'si ad iucundissimos liberos, si ad clarissimum generum redire properaret,' for Caesar had only one child, Julia.

pro mea omni fama prope fortunisque decernere nihil mihi ad existimationem turpius, nihil ad dolorem acerbius accidere posse, quam si is, qui saepe alienissimis a me, sed meis tamen civibus saluti existimarer fuisse, sodali meo auxilium ferre non potuis-
201 sem; petebam a iudicibus, ut illud aetati meae, ut honoribus, ut rebus gestis, si iusto, si pio dolore me esse adfectum viderent, concederent; praesertim si in aliis causis intellexissent omnia me semper pro amicorum periculis, nihil umquam pro me ipso deprecatum. Sic in illa omni defensione atque causa, quod esse in arte positum videbatur, ut de lege Appuleia dicerem, ut quid esset minuere maiestatem explicarem, perquam breviter perstrinxi atque attigi; his duabus partibus orationis, quarum altera commendationem habet, altera concitationem, quae minime praeceptis artium sunt perpolitae, omnis est a me illa causa tractata, ut et acerrimus in Caepionis invidia renovanda et in meis moribus erga meos necessarios declarandis mansuetissimus viderer: ita magis adfectis animis iudicum quam doctis, tua,
50 Sulpici, est a nobis tum accusatio victa.' Hic Sulpicius, 'vere
202 hercle,' inquit 'Antoni, ista commemoras; nam ego nihil umquam vidi, quod tam e manibus elaberetur, quam mihi tum est elapsa illa ipsa causa. Cum enim, quem ad modum dixisti, tibi ego non iudicium, sed incendium tradidissem, quod tuum principium, di immortales, fuit! qui timor! quae dubitatio [quanta haesitatio] tractusque verborum! ut illud initio, quod tibi unum ad ignoscendum homines dabant, tenuisti, te pro homine pernecces-

1. *prope*: om. B. incl. K. 21. *ipsa* ABbγ: incl. S. 23. *quanta haesitatio*: om. A: incl. K (Iam antea scripsit Ell. 'non multum absum quin haec delenda censeam, cum absint ab optimis).

1. **ad existimationem**, 'in respect of my reputation:' cp. i. 25, 113 'ad memoriam firmi atque diuturni:' in Cat. i. 5. 12 'ad severitatem lenius' (with Halm's note).

5. **illud**, i.e. 'si iusto dolore me esse adfectum viderent.'

7. **concederent** = condonarent: cp. pro Cluent. 69, 195 'multi saepe peccata liberum parentum misericordiae concesserunt: vos ne huius honestissime actam vitam matris crudelitati condonetis, rogamus.'

9. **deprecatum**: here doubtless in its more usual, but by no means invariable meaning, of entreating that a thing may not be done. There is an interesting discussion of the word in Gellius, vii. 16.

quod esse in arte positum videbatur, 'what seemed to come within the sphere of the theory of rhetoric.'

10. **ut . . . explicarem**, like **ut . . . dicerem**, explanatory, not final.

12. **partibus**, abl. instrum. Translate: 'the two divisions of oratory . . . were used by me in dealing with the whole of that case.'

24. **tractus verborum**, explanatory of *haesitatio*, 'slow-delivery:' cp. Ernesti, Lex. Techn. p. 399.

unum ad ignoscendum, 'the only excusable point.' Roby, § 1377: cp. § 190, and Nägelsb. pp. 194. 341, who points out that this is the classical way of expressing *ignoscibile*, which does not occur before Gellius.

sario, quaestore tuo, dicere! Quam tibi primum munisti ad te
audiendum viam. Ecce autem, cum te nihil aliud profecisse 203
arbitrarer, nisi ut homines tibi civem improbum defendenti ignoscendum propter necessitudinem arbitrarentur, serpere occulte coepisti, nihil dum aliis suspicantibus, me vero iam pertimescente, ut illam non Norbani seditionem, sed populi Romani iracundiam neque eam iniustam, sed meritam ac debitam fuisse defenderes. Deinde qui locus a te praetermissus est in Caepionem? ut tu illa omnia odio, invidia, misericordia miscuisti! neque haec solum in defensione, sed etiam in Scauro ceterisque meis testibus, quorum testimonia non refellendo, sed ad eundem
impetum populi confugiendo refutasti; quae cum abs te modo 204
commemorarentur, equidem nulla praecepta desiderabam; ipsam tamen istam demonstrationem defensionum tuarum [abs te ipso commemoratam] doctrinam esse non mediocrem puto.'

'Atqui, si ita placet,' inquit Antonius 'trademus etiam, quae nos sequi in dicendo quaeque maxime spectare solemus; docuit enim iam nos longa vita ususque rerum maximarum, ut quibus
rebus animi hominum moverentur teneremus. Equidem primum 51
considerare soleo, postuletne causa; nam neque parvis in rebus 205

14. *demonstrationem . . . commemoratam*: om. codd. mut. *abs te ipso commemoratam* incl. K. 19. *equidem primum* Abγ: SP: *et primum quidem* B: K.

1. **Quam munisti ad te audiendum viam,** 'thus you paved the way to secure a hearing.'

4. **necessitudinem,** 'your official connexion with him.'

6. **ut defenderes,** final, depending upon 'serpere.'

illam, attracted into the gender of the predicate: Roby, § 1068.

8. **locus,** sc. communis, 'topic.' Quintilian (ii. 1. 11; v. 12. 15) treats of the 'loci in vitia directi.'

9. **miscuisti,** i. 51. 220 (note).

11. **refellendo,** 'by refuting them,' i. e. by bringing evidence in disproof of theirs.

12. **refutasti,** 'rebutted.' The word is used as synonymous with *repellere* by Cicero de Prov. Cons. 13. 32, 'bellum Gallicum C. Caesare imperatore gestum est, antea tantummodo repulsum. Semper illas nationes nostri imperatores refutandas potius bello quam lacessendas putaverunt.' And this seems to have been the primary meaning of the word; in Cicero it takes the place of 'refundere,' which is only once used by him, and is not common except in Vergil, and later prose.—Antonius admitted the facts, to which Scaurus and the rest deposed, but ascribed to them a different character from that which Sulpicius wished to attach to them.

14. **demonstrationem defensionum tuarum,** 'the statement of your lines of defence.' Nägelsb. p. 158. The suspicions of Ellendt and Kühner do not seem well-founded as far as these words are concerned; the omission of 'demonstrationem . . . commemoratam' in the *codd. mutili* is probably due to the eye of the copyist passing from *istam* to *-atam*. But the last four words are suspicious: 'abs te ipso' are, as Ell. says, 'nimis inepta.'

15. **doctrinam non mediocrem,** 'the very best form of teaching.'

16. **Atqui** corrects the words of Sulpicius: 'equidem nulla praecepta desiderabam.'

18. **ut . . . teneremus**: the past impf. is used, because, although *docuit* seems to be a present perfect, the knowledge of Antonius was displayed in speeches now belonging to the past. Cp. Roby, § 1517. For **moverentur** cp. § 8 'exstaret' (note).

20. **postuletne,** i. e., for any attempt to work upon the feelings.

adhibendae sunt hae dicendi faces neque ita animatis hominibus, ut nihil ad eorum mentis oratione flectendas proficere possimus, ne aut inrisione aut odio digni putemur, si aut tragoedias agamus in nugis aut convellere adoriamur ea, quae non possint commo-
206 veri. Iam quoniam haec fere maxime sunt in iudicum animis aut, quicumque illi erunt, apud quos agemus, oratione molienda, amor, odium, iracundia, invidia, misericordia, spes, laetitia, timor, molestia: sentimus amorem conciliari, si id videare, quod sit utile ipsis, apud quos agas, defendere, si aut pro bonis viris aut certe pro eis, qui illis boni atque utiles sint, laborare, namque haec res amorem magis conciliat, illa virtutis defensio caritatem; plusque proficit, si proponitur spes utilitatis futurae quam prae-
207 teriti beneficii commemoratio. Enitendum est, ut ostendas in ea re, quam defendas, aut dignitatem in esse aut utilitatem, eumque, cui concilies hunc amorem, significes nihil ad utilitatem suam rettulisse ac nihil omnino fecisse causa sua; invidetur enim

5. *Iam quoniam* S Ad. post Madvigium: *nam quoniam*: codd. K. P. 14. *inesse* S: *esse* codd. mut. K.

1. **dicendi faces**: iii. 1. 4 'verborum faces.'

3. **tragoedias**: i. 51. 219 (note).

4. **convellere ea**, etc. i. e. to remove deeply-rooted prejudices, by appeals to the emotions, which must fail with a hostile audience.

adoriamur: there is no need for Drakenborch's (ad Liv. xxxv. 15. 8) proposed correction 'adordiamur:' which has no authority in any good writer; *adoriri* with inf. is as legitimate as *aggredi* (de Off. ii. 1. 1); for the difference between the two words cp. Donat. ad Ter. Ad. iii. 3. 50 'aggredimur de longinquo; adorimur ex insidiis et ex proximo.'

5. **Iam**: this correction of Madvig's, adopted first by Henrichsen, is necessary, for there is no explanation or defence of a previous statement, but a transition to the more detailed treatment of the subject, for which *iam* is the usual introductory particle = 'now:' cp. de Nat. D. i. 12, 30 'iam de Platonis inconstantia longum est dicere.' In the rapid sketch which is added, Cicero closely follows Aristotle, Rhet. ii. 1 ff.

7. **amor, odium**: the emotions to be excited are arranged as pairs, 'iracundia' standing by itself as the natural expression of 'odium.' In the more detailed treatment of them the same order is not preserved: 'amor,' § 206; 'odium,' § 208; 'spes, laetitia,' 'timor, molestia,' § 209; 'invidia,' § 209; 'misericordia,' § 211.

8. **molestia** = ἀνία, 'vexation:' for the short vowel of 'mŏlestus' as compared with 'mōles,' cp. Munro on Lucr. iii. 504.

9. **si aut pro bonis**: the order of the MSS. may be defended (with Adler), if we regard the 'utile ipsis, apud quos agas' as subdivided for the present purpose into the two; 'si (1) aut pro bonis viris, (2) aut certe pro eis qui illis boni atque utiles sint laborare videaris.' This way of taking the sentence better suits 'haec res,' i. e. the latter, and 'illa virtutis defensio,' the former. Sorof reads 'aut si,' with Kayser and Bake.

10. **illis**, 'in the eyes of your audience.'

11. **caritatem**, 'esteem:' a love arising from high regard. Cp. Part. Or. 16. 56 'nam aut caritate moventur homines, ut deorum, ut patriae, ut parentum, aut amore, ut fratrum, ut coniugum, ut liberorum, ut familiarium.' Trebon. apud Cic. Fam. xii. 16, 2 'cui nos et caritate et amore tuum officium praestaturos non debes dubitare.'

15. **nihil rettulisse**, etc. 'has not kept his own interests in view at all:' *referre* (so *dirigere, revocare*) *ad*, like *metiri* c. abl. 'to make a thing the standard;' a phrase very common in Cicero, especially in the philosophical works. Cp. Reid on Lael. 9. 32.

commodis hominum ipsorum, studiis autem eorum ceteris commodandi favetur. Videndumque hoc loco est, ne, quos ob 208
benefacta diligi volemus, eorum laudem atque gloriam, cui maxime invideri solet, nimis efferre videamur; atque eisdem his ex locis et in alios odium struere discemus et a nobis ac nostris demovere; eademque haec genera sunt tractanda in iracundia vel excitanda vel sedanda; nam si, quod ipsis, qui audiunt, perniciosum aut inutile sit, id factum augeas, odium creatur; sin, quod aut in bonos viros aut in eos, quos minime quisque debuerit, aut in rem publicam, tum excitatur, si non tam acerbum odium, tamen aut invidiae aut odii non dissimilis offensio; item timor 209
incutitur aut ex ipsorum periculis aut ex communibus: interior est ille proprius; sed hic quoque communis ad eandem similitudinem est perducendus. Par atque una ratio est spei, laetitiae, 52
molestiae; sed haud sciam an acerrimus longe sit omnium motus invidiae nec minus virium opus sit in ea comprimenda quam in excitanda. Invident autem homines maxime paribus aut inferioribus, cum se relictos sentiunt, illos autem dolent evolasse; sed etiam superioribus invidetur saepe vehementer et eo magis, si intolerantius se iactant et aequabilitatem communis iuris praestantia dignitatis aut fortunae suae transeunt; quae si inflammanda sunt, maxime dicendum est non esse virtute parta, deinde etiam vitiis atque peccatis, tum, si erunt honestiora atque

9. *quos minime* codd. S: *in quos minime* K P.

1. **commodandi**, often used absolutely with the dative, especially in Cicero's letters (not in the orations): cp. de Fin. ii. 35. 117 'si tuam ob causam cuiquam commodes;' Nonius (p. 275 M) quotes 'M. Tullius ad filium Lib. ii.: cui ego, quibuscunque rebus potero, libentissime commodabo.'

6. **genera**, 'general heads,' practically equivalent to the *loci*.

8. **sin, quod aut**, i.e. 'sin augeas, id quod factum sit,' etc.

12. **interior est**, 'penetrates more deeply.'

13. **ad eandem similitudinem**, cp. § 96 (note).

15. **haud sciam an**: cp. § 18; i. 60. 255 (note).

17. **paribus**: so Aristotle (Rhet. ii. 10) says *φανερὸν δὲ καὶ οἷς φθονοῦσιν· τοῖς γὰρ ἐγγὺς καὶ χρόνῳ καὶ τόπῳ καὶ ἡλικίᾳ καὶ δόξῃ φθονοῦσιν*. The 'inferioribus' by which of course he means those who have been previously in an inferior position, is an acute addition of Cicero's own; some of the editors have strangely stumbled at this.

18. **evolasse**, 'to have outstripped them in the race.'

20. **aequabilitatem communis iuris**, 'the equitable rights common to all,' i. 42. 188 (note).

21. **quae si inflammanda sunt**, 'if these advantages are to be dealt with so as to fire your audience,' by means of the 'faces dicendi.' For 'inflammare' in this pregnant sense cp. Or. 28. 99 'non praeparatis auribus inflammare rem.'

22. **maxime** = *μάλιστα μέν*, 'if possible,' as the best course: cp. pro Caec. 9. 23 'maxime fuit optandum Caecinae ut controversiae nihil haberet, secundo loco, ut ne cum tam improbo homine, tertio ut cum tam stulto haberet.'

graviora, tamen non esse tanta illa merita, quantam insolentiam
210 hominis quantumque fastidium; ad sedandum autem, magno illa labore, magnis periculis esse parta nec ad suum commodum, sed ad aliorum esse conlata; eumque si quam gloriam peperisse videantur, tamen etsi ea non sit iniqua merces periculi, tamen ea non delectari totamque abicere atque deponere; omninoque perficiendum est, quoniam plerique sunt invidi maximeque hoc est commune vitium et perpetuum, invidetur autem praestanti florentique fortunae, ut haec opinio minuatur et illa excellens opinione
211 fortuna cum laboribus et miseriis permixta videatur. Iam misericordia movetur, si is, qui audit, adduci potest, ut illa, quae de altero deplorentur, ad suas res revocet, quas aut tulerit acerbas aut timeat, ut intuens alium crebro ad se ipsum revertatur; ita cum singuli casus humanarum miseriarum graviter accipiuntur, si dicuntur dolenter, tum adflicta et prostrata virtus maxime luctuosa est.

Et ut illa altera pars orationis, quae probitatis commendatione boni viri debet speciem tueri, lenis, ut saepe iam dixi, atque summissa, sic haec, quae suscipitur ab oratore ad commutandos animos atque omni ratione flectendos, intenta ac vehemens esse
53 debet; sed est quaedam in his duobus generibus, quorum alte-
212 rum lene, alterum vehemens esse volumus, difficilis ad distinguendum similitudo; nam et ex illa lenitate, qua conciliamur eis, qui audiunt, ad hanc vim acerrimam, qua eosdem exci-

1. *tanta illa* KS: *tanti ulla* codd. P. *quantam insolentiam* S. *quanta insolentia* codd. KP. 4. *quae si quam gloriam peperisse videantur* K (post Baiterum) S. *que quam gloriam* codd. mut. *eumque si quam . . . videatur* PAd. 10. *videatur* codd. mut. KS. *esse videatur* P. 14. *et cum* ABbγ: K. *ita cum* S. 17. *Et ut illa* PS.: *ut* autem *illa* K. *ut illa* ABbγ.

1. **quantam insolentiam**: this correction of the MS. 'quanta insolentia' brings the construction into accordance with Cicero's practice: cp. Tusc. D. i. 17. 39 'Platonem ferunt . . non solum sensisse idem quod Pythagoram, sed rationem etiam attulisse' (with Kühner's note); de Fin. iv. 20. 56 'negatque Platonem, si sapiens non sit, eadem esse in causa, qua tyrannum Dionysium.'

2. **ad sedandum autem**, sc. dicendum est.

4. **eumque, si quam**: this seems the best way of correcting the reading of Aε 'collataque quam gloriam . . . videntur.'

8. **perpetuum**, 'universal,' extending over all without break or exception. Cp. § 141 'perpetuum ius.'

9. **excellens opinione**, 'which is supposed to be so preeminent:' § 101.

10. **Iam**, 'finally.' The definition of the source of pity closely follows Aristotle's (Rhet. ii. 8) *ἔστω δὴ ἔλεος λύπη τις ἐπὶ φαινομένῳ κακῷ φθαρτικῷ καὶ λυπηρῷ τοῦ ἀναξίου τυγχάνειν, ὃ κἂν αὐτὸς προσδοκήσειεν ἂν παθεῖν ἢ τῶν αὐτοῦ τινα.*

14. **ita**, 'in this way,' i. e. if the auditor imagines a similar fate befalling himself.

15. **adflicta et prostrata**, one of Cicero's very common pairs of synonyms.

17. **probitatis commendatione**: i. 26. 122.

20. **intenta** and **vehemens** correspond chiastically to *lenis* and *summissa* (§ 103), **intenta**, 'high-spirited.'

tamus, influat oportet aliquid, et ex hac vi non numquam animi aliquid inflandum est illi lenitati; neque est ulla temperatior oratio quam illa, in qua asperitas contentionis oratoris ipsius humanitate conditur, remissio autem lenitatis quadam gravitate et contentione firmatur. In utroque autem **213** genere dicendi et illo, in quo vis atque contentio quaeritur, et hoc, quod ad vitam et mores adcommodatur, et principia tarda sint et exitus item spissi et producti esse debent. Nam neque adsiliendum statim est ad genus illud orationis; abest enim totum a causa et homines prius ipsum illud, quod proprium sui iudicii est, audire desiderant; nec cum in eam rationem ingressus sis, celeriter discedendum est; non enim, sicut argu- **214** mentum, simul atque positum est, adripitur alterumque et tertium poscitur, ita misericordiam aut invidiam aut iracundiam, simul atque intuleris, possis commovere: argumentum ratio ipsa confirmat idque simul atque emissum est, adhaerescit; illud autem genus orationis non cognitionem iudicis, sed magis perturbationem requirit, quam consequi nisi multa et varia et copiosa oratione et simili contentione actionis nemo potest; qua **215**

2. *inflandum est* KP: *infundendum est* S post Lambinum: *inflammandum est* codd. mut. 8. *sint* PS: *sunt* codd.: incl. K. *item* KS: *tamen* codd. P. 16. *idque* Sorof, *atque* K, *quae . . . emissa* P cum codd.

1. **influat oportet**, etc. Nägelsb. p. 380 well discusses the metaphors of flowing and the like. We may translate: 'for while the gentleness, by which we are recommended to our audience, must contribute something of its own character to the strong passion with which we arouse them, so this passion must sometimes breathe some of its own fire into that gentleness.'

3. **temperatior**, 'better tempered:' a metaphor from strong wine, which needs to be softened by the admixture of water.

contentionis = 'energy;' cp. ad Her. iii. 13. 23 'contentio est oratio acris et ad confirmandum et ad confutandum accommodata.'

4. **humanitate**, 'kindly character.'

conditur here 'is mellowed:' cp. *condițior* in § 227, and Or. 55. 185 'omnino duo sunt, quae condiant orationem, verborum numerorumque iucunditas.'

remissio lenitatis, 'the lower tone of a quiet gentle delivery.' Nägelsb. p. 128.

7. **ad vitam et mores**, i. e. to produce a favourable impression of one's life and character: the *conciliatio*.

8. **item**: so Lambinus corrected the MS. reading 'tamen,' which is out of place here; for it is not natural to suppose that because the beginning is slow, the end must be rapid; hence an adversative particle is not required. Madvig suggested 'etiam.'

spissi, 'slow:' cp. ad Att. x. 18. 2 'ita omnia tarda adhuc et spissa.' Nonius (p. 392 M.) says 'spissum significat tardum,' and quotes ten passages, besides this, from early writers: e. g. 'Naevius Gymnastico "at enim tu nimis spisse atque tarde incedis."' So Brut. 36. 138 'cum spisse atque vix ad Antonium pervenimus.'

9. **adsiliendum** = we should say 'burst into.'

abest a causa, 'it is foreign to the case.' The πάθος and ἦθος do not concern the point at issue.

11. **rationem**, 'line.'

13. **adripitur**, 'is caught up,' i. e. apprehended by the 'ratio audientium.'

15. **intuleris**, sc. id genus orationis: 'as soon as you have struck that note.'

19. **simili contentione actionis**, 'a corresponding energy of delivery.'

re qui aut breviter aut summisse dicunt, docere iudicem possunt, commovere non possunt; in quo sunt omnia.

Iam illud perspicuum est, omnium rerum in contrarias partis facultatem ex eisdem suppeditari locis. Sed argumento resistendum est aut eis, quae comprobandi eius causa sumuntur, reprehendendis aut demonstrando, id, quod concludere illi velint, non effici ex propositis nec esse consequens, aut, si ita non refellas, adferendum est in contrariam partem, quod sit aut gravius aut
216 aeque grave. Illa autem, quae aut conciliationis causa leniter aut permotionis vehementer aguntur, contrariis commotionibus auferenda sunt, ut odio benevolentia, misericordia invidia tollatur.

54 Suavis autem est et vehementer saepe utilis iocus et facetiae; quae, etiamsi alia omnia tradi arte possunt, naturae sunt propria certe neque ullam artem desiderant: in quibus tu longe aliis mea sententia, Caesar, excellis; quo magis mihi etiam aut testis esse potes nullam esse artem salis aut, si qua est, eam tu potis-
217 simum nos docere.' 'Ego vero,' inquit 'omni de re facetius

18. *docere* codd. mut. *docebis* P.

2. **in quo sunt omnia,** 'and everything depends upon this:' i. 14. 60; Or. 21. 69 'id unum ex omnibus ad obtinendas causas potest plurimum.' So in de Leg. ii. 10. 24 'in quo sunt omnia:' cp. de Sen. 3. 8 (Reid).

3. **Iam,** § 211.

4. **facultatem omnium rerum,** 'the power of handling every subject.'

Sed, etc., but where arguments (not these attempts to work upon the feelings) have been used by your opponent, they must be met, etc.

5. **reprehendendis,** 'by controverting:' § 331.

7. **proposita,** 'premises.'

11. **auferenda,** the easiest correction of the reading of Aϵ *efferenda*.

cc. 54–57: §§ 217–234. *Antonius requests Caesar to discourse upon wit. He replies that nothing is more difficult, for wit, in both its two main divisions, is a natural gift, and cannot be taught. He shows its great effect by several illustrations from speeches by Crassus, and praises the self-control shown by this orator in the use of his powers. Then follows a brief conversation, which leads to the conclusion that some rules derived from observation may be given for forming a judgment upon witticisms.*

13. **utilis,** sc. for producing the desired effect upon the judges. Quintil. vi. 3. 1 'virtus quae risum iudicis movendo et illos tristes solvit affectus, et animum ab intentione rerum frequenter avertit, et aliquando etiam reficit, et a satietate vel a fatigatione renovat.'

iocus et facetiae: the terms for the various kinds of wit and humour are not used with any precise consistency by the Roman writers. Even Cicero, who in § 218 makes *cavillatio*, 'banter,' and *dicacitas*, 'wit,' the two subdivisions of *facetiae*, 'jesting' (cp. note on i. 5. 17), in Or. 26. 40 makes *facetiae* and *dicacitas* the subdivisions of *sales*. Other words practically if not strictly synonymous are *salsum, venustum, urbanum*. Cp. Volkmann, Rhet. p. 241. In translating we must be guided by the context.

14. **arte** = 'doctrina' in § 218.

15. **artem desiderant.** Quintil. vi. 3. 11 'ut non ausim dicere carere omnino arte, quia nonnullam observationem habet suntque ad id pertinentia et a Graecis et a Latinis composita praecepta, ita plane adfirmo, praecipue positum esse in natura et in occasione.'

18. **facetius:** for the play upon words cp. i. 61. 260. 'I think that a man not destitute of humour can discourse more wittily upon any subject than upon wit.'

puto posse ab homine non inurbano, quam de ipsis facetiis disputari. Itaque cum quosdam Graecos inscriptos libros esse vidissem de ridiculis, non nullam in spem veneram posse me ex eis aliquid discere; inveni autem ridicula et salsa multa Graecorum; nam et Siculi in eo genere et Rhodii et Byzantii et praeter ceteros Attici excellunt; sed qui eius rei rationem quandam conati sunt artemque tradere, sic insulsi exstiterunt, ut nihil aliud eorum nisi ipsa insulsitas rideatur; qua re mihi quidem 218
nullo modo videtur doctrina ista res posse tradi: etenim cum duo genera sint facetiarum, alterum aequabiliter in omni sermone fusum, alterum peracutum et breve, illa a veteribus superior cavillatio, haec altera dicacitas nominata est—leve nomen habet utraque res! quippe; leve enim est totum hoc risum movere; 219

2. **Itaque** really introduces not 'non nullam in spem veneram,' but 'sic insulsi exstiterunt.' We should more naturally and more logically make the first clause subordinate to the second, not coordinate with it. See note on § 122; Tusc. D. ii. 26. 62 'itaque semper Africanus Socraticum Xenophontem in manibus habebat, cuius in primis laudabat illud' = itaque A., qui semper X. in manibus habebat, huius in primis laudabat illud. Cp. Madv. on de Fin. i. 6. 18: 'fit hoc interdum apud Ciceronem, ut oratione non statim recto cursu eo progrediente quo debebat, particula sententias connectens inepta videatur, si ad eam solam sententiam referatur, in qua posita sit, maximeque hoc accidit in iis particulis, quae conclusivae dicuntur, *itaque, quare*, aliis.'

Graecos libros: unfortunately Quintilian (l. c.) does not mention the Greek writers on the subject: probably it was discussed in some of the τέχναι no longer extant. Aristotle, Rhet. iii. 18, quotes a saying from the τέχνη of Gorgias, but refers for his own discussion of the question to his Poetics, in which nothing is now found but a definition of τὸ γελοῖον. Theophrastus is also said to have treated the subject.

3. **de ridiculis** = περὶ γελοίων.

4. **salsa**: Or. 26. 90 'quidquid et salsum . . . in oratione. id proprium Atticorum est, e quibus tamen non omnes faceti.' Quintil. vi. 3. 19 'salsum igitur erit, quod non erit insulsum, velut quoddam simplex orationis condimentum quod sentitur latente iudicio vel palato, excitatque et a taedio defendit orationem.'

5. **Siculi**: in Verr. iv. 43. 95 'numquam tam male est Siculis, quin aliquid facete et commode dicant.' Caelius ap. Quint. vi. 3. 41 'Siculi, ut sunt lascivi et dicaces.' For the early history of comedy in Sicily under Epicharmus and Sophron cp. Curtius, Hist. iii. pp. 231 ff. (trans. Ward), who remarks of Megara in Sicily 'the citizens of this little community were, like the Megareans in Hellas, particularly distinguished by natural gifts qualifying them for the production and appreciation of humorous, festive plays and mimic representations.' The Megarean colonists of Byzantium retained the same tastes, which were developed by the pleasure-loving life, for which that city was noted. The Rhodian witticisms do not seem to be mentioned elsewhere, but the intellectual activity of the island was great, and lasted longer than that of almost any other Greek community. Cp. § 3.

7. **exstiterunt**, 'showed themselves.'

12. **cavillatio**, 'raillery.' Plaut. Aul. 630, has 'pone hoc sis: aufer cavillam: non ego nunc nugas ago.' The origin of *cavilla* is not quite certain, but it can hardly be connected with *calvus, calumnia*, etc., as some say. Cp. Vaniček, Wtb. p. 1118: and Fest. p. 45 M. 'cavillatio est iocosa calumniatio.' In later Latin, especially in Quintilian, it acquires the meaning of 'sophistry' or 'pedantry.' Cp. Bonnell, Lex. s. v. and Ern., Lex. Techn. s.v. 'calumniari.'

13. **quippe**, 'of course:' de Fin. iv. 3. 7 'ista ipsa, quae tu breviter, regem, dictatorem, divitem solum esse sapientem, a te quidem apte ac rotunde: quippe, habes enim a rhetoribus.' Cp. Madv. on de Fin. v. 28. 84, and pro Mur. 30. 62 (with Heitland's App. C.); 35. 74, etc.

verum tamen, ut dicis, Antoni, multum in causis persaepe lepore et facetiis profici vidi—sed cum illo in genere perpetuae festivitatis ars non desideretur; natura enim fingit homines et creat imitatores et narratores facetos adiuvante et voltu et voce et ipso genere sermonis, tum vero in hoc altero dicacitatis quid habet ars loci, cum ante illud facete dictum emissum haerere
220 debeat, quam cogitari potuisse videatur? Quid enim hic meus frater ab arte adiuvari potuit, cum a Philippo interrogatus quid latraret, furem se videre respondit? quid in omni oratione Crassus vel apud centumviros contra Scaevolam vel contra accusatorem Brutum, cum pro Cn. Plancio diceret? nam id, quod tu mihi tribuis, Antoni, Crasso est omnium sententia concedendum; non enim fere quisquam reperietur praeter hunc in utroque genere leporis excellens: et illo, quod in perpetuitate
1 sermonis, et hoc, quod in celeritate atque dicto est. Nam haec perpetua contra Scaevolam Curiana defensio tota redundavit hilaritate quadam et ioco; dicta illa brevia non habuit; parcebat enim adversarii dignitati, in quo ipse conservabat suam; quod est hominibus facetis et dicacibus difficillimum, habere hominum

6. *emissum* incl. K.

Fest. p. 257 '*quippe* significare *quidni* testimonio est Ennius,' with Müller's note p. 399 'nunc autem multi particula *quippe* nimis abutuntur; quippe? cum originis apud omnes summa fuerit oblivio.'

leve, 'not very dignified.'

totum hoc risum movere. Roby, § 1355. Cic. de Fin. i. 1 'totum hoc philosophari.'

2. **festivitatis**, 'pleasantry.'

3. **desideretur.** Many inferior MSS. have 'desideratur:' but cp. Roby, §§ 1734, 1735; Madv. on de Fin. i. 6. 19. In this case it can hardly be said that there is any 'contrast between a general statement and a particular case:' cp. Reid in Mayor's de Nat. D. i. 1. 1.

4. **narratores**: Or. 26. 87 'utetur utroque, sed altero [genere facetiarum] in narrando aliquid venuste, altero [dicacitatis] in iaciendo mittendoque ridiculo.'

8. **Philippo**: Introd. p. 5.

9. **latraret**, used of bawling orators by Cic. Brut. i. 15. 58 'latrant iam quidam oratores, non loquuntur;' but of course here with a play upon the meaning of *catulus*, 'puppy.' Philippus said 'quid latras, Catule?' It is needless to suppose with Pid. that Catulus in his reply was charging Philippus with robbing the senate of their rights and privileges. There may however be a reference to his language in introducing his agrarian law, which Cic. (de Off. ii 21. 73) speaks of as 'capitalis oratio, ad aequationem bonorum pertinens.'

10. **centumviros**: i. 38. 173; 39. 180 (notes).

11. **Brutum**: Introd. p. 12. Nothing is known of Cn. Plancius, or the accusation brought against him.

14. **leporis**, used in its widest sense = *facetiae*, 'pleasantry.'

15. **celeritate**, 'readiness;' **dicto**, 'witticism:' but the two practically form a hendiadys = 'ready wit.' Nägelsb. p. 86.

17. **dicta**, 'bons mots.' Macrob. (Sat. ii. 1) quotes from a letter of Cicero to Cornelius Nepos: 'itaque nostri, cum omnia quae dixissemus dicta essent, quae facete et breviter et acute locuti essemus ea proprio nomine appellari dicta voluerunt;' **illa**, 'of the other case:' *haec* and *illa* here merely serve for distinction like 'hic et ille' = 'this or that,' and there seems no very definite reason for their usage in one or the other clause.

rationem et temporum et ea, quae occurrunt, cum salsissime
dici possunt, tenere; itaque non nulli ridiculi homines hoc ipsum 222
non insulse interpretantur. Dicere enim aiunt Ennium, flammam
a sapiente facilius ore in ardente opprimi, quam bona dicta
teneat; haec scilicet bona dicta, quae salsa sint; nam ea dicta
appellantur proprio iam nomine. Sed ut in Scaevola continuit 55
ea Crassus atque in illo altero genere, in quo nulli aculei contumeliarum inerant, causam illam disputationemque lusit, sic
in Bruto, quem oderat et quem dignum contumelia iudicabat,
utroque genere pugnavit. Quam multa de balneis, quas nuper 223
ille vendiderat, quam multa de amisso patrimonio dixit! Atque illa brevia, cum ille diceret se sine causa sudare, 'minime mirum,' inquit 'modo enim existi de balneis.' Innumerabilia *talia* fuerunt, sed non minus iucunda illa perpetua: cum enim Brutus duo lectores excitasset et alteri de colonia Narbonensi Crassi

2. *ridiculi homines . . . interpretantur . . enim* incl. K. *interpretantur dicere Ennium* P: *dicere enim aiunt pienti* solita incuria Ab. 12. *cum ille diceret* PS; *ut cum ille diceret* K e conj. 13. *talia* addidit Halm. *huius modi* codd. non optimae notae: PS. 15. *duo* Ab: *duos* KP.

1. **cum . . . possunt,** 'at a time when they can:' the MSS. authority is overwhelmingly against the old reading 'occurrant' and 'possint.'

3. **interpretantur.** In Abγ this passage is very corrupt: e.g. A has 'interpraetantur dicere enim aut pienti facilius:' hence Pid.'s reading (based upon a conjecture of Bake's) 'hoc ipsum . . . interpretantur dicere Ennium, flammam a sapiente facilius,' etc., which makes excellent sense. But we have seen frequently that too much importance must not be given to the omissions of the *codices mutili.* Hence it is better to acquiesce in the vulgate, and translate 'some waggish fellows give a witty turn to this too,' i.e. to the difficulty of suppressing a good joke, by applying to it a line of Ennius, which was originally used of *bona dicta* in a very different sense, i.e. of wise useful words.

flammam, etc. The original form of the line was probably '[nám] flammam sapiéns facilius óre in ardente ópprimit, quám bona dicta téneat,' a trochaic tetrameter catalectic, and part of a second. Cp. Vahlen's Ennius, p. 148.

7. **aculei contumeliarum,** 'stinging taunts.'

8. **causam illam disputationemque,** 'the discussion of that case.'

lusit, i.e. iocose et festive egit, as in Verg. Ecl. i. 10 'ludere quae vellem calamo permisit agresti;' Georg. iv. 565 'carmina qui lusi pastorum.' Cp. Nägelsb. Stil. p. 284. Mr. Reid however happily suggests 'elusit,' 'foiled,' referring *causam illam* to the arguments of his opponent.

10. **balneis**: the plural form was almost invariably used in the time of Cicero of a public bath: cp. Varro, L. L. ix. 68 m; but Marquardt, Privatalt. vol. i. note 1753, refers to one inscription of the Republic (C. I. L. i. 1263), and several of a later date in which *balneum* denotes a public bath; and in Plaut. Most. 756 R (742 Lor.) *balineae* denotes a private bath. It was not uncommon for public baths to be worked by speculators (*balnea meritoria*): e.g. 'balneae Pallacinae,' p. Rosc. Am. 7. 18: 'b. Seniae,' p. Cael. 25. 61.

12. **se sine causa sudare**: Brutus meant that he was exerting himself needlessly, probably to establish some charge against Plancius. Crassus took the words literally: 'no wonder, for you have just left your baths,' i.e. have sold them. Cp. *ἐκστῆναι τῶν ὄντων* = *cedere bonis*, 'to be bankrupt,' Demosth. xxxvi. § 50, with Sandys' note. The *sudatio* was always the first stage in the bath: cp. Celsus, i. 4 'si in balneum venit, sub veste primum in tepidario insudare:' Marquardt, i. 293.

15. **duo,** so A: cp. Neue, ii.[2] 147–8.

orationem legendam dedisset, alteri de lege Servilia, et cum contraria inter sese de re publica capita contulisset, noster hic facetissime tris patris Bruti de iure civili libellos tribus legendos
224 dedit. Ex libro primo: 'forte evenit, ut in Privernati essemus.' 'Brute, testificatur pater se tibi Privernatem fundum reliquisse.' Deinde ex libro secundo: 'in Albano eramus ego et Marcus filius.' 'Sapiens videlicet homo cum primis nostrae civitatis norat hunc gurgitem; metuebat, ne, cum is nihil haberet, nihil esse ei relictum putaretur.' Tum ex libro tertio, in quo finem scribendi fecit—tot enim, ut audivi Scaevolam dicere, sunt veri Bruti libri—'in Tiburti forte adsedimus ego et Marcus filius.' 'Ubi sunt hi fundi, Brute, quos tibi pater publicis commentariis consignatos reliquit? quod nisi puberem te, inquit, iam haberet, quartum librum composuisset et se etiam in balneis lotum cum
225 filio scriptum reliquisset.' Quis est igitur, qui non fateatur, hoc lepore atque his facetiis non minus refutatum esse Brutum quam illis tragoediis, quas egit idem, cum casu in eadem causa efferretur anus Iunia. Pro di immortales, quae fuit illa, quanta vis! quam inexspectata! quam repentina! Cum coniectis oculis,

12. *hi fundi.* KS cum Ab: *ei fundi* P. 14. *lotum* PS: *locutum* K: *locum* codd. mutil.

lectores: the story is told somewhat more fully in p. Cluent. 51. 141 ff. Cp. Introd. pp. 8, 9. See note on 'recito,' § 173.

2. **contraria inter sese de re publica capita,** 'passages containing opposite views on politics:' *caput* is often used by Cicero for a section or chapter of a law (e.g. in Verr. Act. ii. 46. 118): it is used as here in Ep. Fam. iii. 8. 2 'prima duo capita epistolae tuae tacita mihi quodam modo relinquenda sunt.'

3. **patris Bruti,** § 142 (note).

4. **Privernati**: this form is far more common than *-ate*, and is approved by Priscian: cp. Neue, ii.[2] 62; but see § 263.

7. **cum primis**; less usual in this sense than 'in primis:' but cp. Brut. 56. 205 'eques Romanus cum primis honestus,' 62. 224 in Verr. Act. ii. i. 52. 137; ii. 28. 68; iii. 87. 200: pro Quinct. 6. 24, always apparently with some epithet of praise, especially 'honestus.'

12. **publicis,** 'published.'

14. **lotum**: cp. de Off. i. 35. 129 'nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur:' pro Cluent. 51. 141 'quod si potuisset honeste scribere se in balneis cum id aetatis filio fuisse, non praeterisset.' So Plut. Marc. Cat. c. 20, Cic. de Rep. iv. 4. etc. The better MSS. all have *locum,* only the inferior ones *locutum:* hence the view of Ell. and Henrichsen, that *lotum* is only a correction of a copyist who had an untimely recollection of this Roman custom, is not probable: *locutum* is much more likely to be an alteration of the evidently erroneous *locum.*

17. **tragoediis,** § 205. **Junia** is not otherwise known, but belonged of course to the same *gens* as Brutus.

efferretur: i.e. to burial; cp. § 327; the word is often so used without 'funere,' which is prefixed in the inferior MSS. here, but which would require to be accompanied by an epithet: cp. Plaut. Aul. 559 'tum tu idem optumumst loces ecferendum: nam iam credo mortuost.'

18. **quae fuit illa, quanta vis,** 'what power he showed, how great.'

19. **coniectis,** 'fixed upon him:' iii. 59. 222. Quintil. ix. 3. 101 'et voltus mutatio oculorumque coniectus multum in actu valet.' **Cum** is of course the conjunction, not the preposition. [A has quom iectis.]

gestu omni ei imminenti, summa gravitate et celeritate verborum 'Brute, quid sedes? quid illam anum patri nuntiare vis tuo? quid illis omnibus, quorum imagines duci vides? quid maioribus tuis? quid L. Bruto, qui hunc populum dominatu regio liberavit? quid te agere? cui rei, cui gloriae, cui virtuti studere? patrimonione augendo? at id non est nobilitatis. Sed fac esse, nihil superest; libidines totum dissipaverunt. An 226
iuri civili? est paternum. Sed dicet te, cum aedis venderes, ne in rutis quidem et caesis solium tibi paternum recepisse. An

1. *et* KS cum codd. opt. *ei* Pid. 9. *recepisse* codd. fere omnes, PS: *reliquisse* Ab. K.

1. **gestu omni ei imminenti.** The great majority of the MSS. have 'et imminenti,' which Sorof retains; but I much doubt whether 'omnis,' even in the sense of 'all imaginable,' as he takes it, could be coordinated with an adjective like 'imminens.' K.'s transposition 'et imminenti gestu omni' is better, but it is simplest with Pid. to correct 'ei' for 'et.' It is very possible, as Pid. suggests, that before 'quid,' *inquit* (often written in MSS. *inquid*) has been lost.

3. **imagines**: cp. Marquardt, Privatalt. i. 359; Mommsen, Hist. ii. 395-6; or my 'Primer of Roman Antiquities,' p. 79. **Duci** in the *lecti*, of which 600 are said to have accompanied the corpse of the young Marcellus. Serv. on Aen. vi. 862, 875. Hor. Epod. 8. 11 says, 'funus atque imagines ducant triumphales tuum,' because the 'imagines' though not leading the procession, preceded the corpse.

4. **qui . . . liberavit.** Brutus, the murderer of Caesar, claimed to be descended from L. Brutus, but falsely: for the latter was undoubtedly a patrician, while the Bruti of the later republic were plebeians, as is proved by the fact that some of them were 'tribuni plebis.' Cp. reff. in Orelli's Onom. p. 316 f. Niebuhr however believes that the first consul may have been a plebeian (Hist. i. 522). Dionysius mentions Junius Brutus as one of the first tribunes: but Niebuhr believes this Brutus to have been entirely fictitious (i. 617). The relation of the Brutus of the text (*accusator*) to the M. Brutus who murdered Caesar cannot be determined: but there is some reason to suppose that he was first cousin to the father of D. Brutus, another of the conspirators. See Dict. Biogr. s.v. *Brutus* (i. p 508 a).

5. **cui rei,** etc. 'to what business, what object of ambition, what manly virtue (is she to say) that you are devoted?' Cp. Cato R. R. 3 in Roby, ii. p. xxxvi.

6. **non est nobilitatis.** Senators at one time were not allowed to engage in commercial pursuits: cp. Liv. xxi. 63 'legem, quam Q. Claudius . . . tulerat, ne quis senator, cuive senator pater fuisset, maritimam navem, quae plus quam trecentarum amphorarum esset haberet. Id satis habitum ad fructus ex agris vectandos: quaestus omnis patribus indecorus visus.' This law afterwards became obsolete (in Verr. v. 18. 45); but Cicero says (de Off. i. 42. 151) 'mercatura autem, si tenuis est, sordida putanda est: sin magna et copiosa . . . non est admodum vituperanda.' For the money-making pursuits of the Roman nobles see Mommsen, i. 211-212, 461; ii. 386 ff. etc.

9. **rutis et caesis**: cp. Fest. 262 M. 'ruta caesa dicuntur quae venditor possessionis sui usus gratia concidit, ruendoque contraxit:' Dig. xix. 1. 17 'si ruta et caesa excipiantur in venditione, ea placuit esse ruta, quae eruta sunt, ut harena, creta et similia; caesa ea esse, ut arbores caesas, et carbones et his similia:' Ib. l. 16. 241 'in rutis caesis ea sunt quae terra non tenentur, quaeque opere structili tectoriove non continentur.' Hence it appears that *ruta caesa* were stones already quarried, trees already felled, and the like. Cicero in this and another passage (Top 26. 100 'fecique quod saepe liberales venditores solent, ut, cum aedis fundumve vendiderint, rutis caesisque receptis, concedant tamen aliquid emptori, quod ornandi causa apte et loco positum esse videatur') seems to give a wider extension to the term, which may be due either to special circumstances, or to the looseness of rhetorical writing (H.J.R.). Varro

rei militari? qui numquam castra videris! An eloquentiae? quae neque est in te, et, quicquid est vocis ac linguae, omne in istum turpissimum calumniae quaestum contulisti! Tu lucem aspicere audes? tu hos intueri? tu in foro, tu in urbe, tu in civium esse conspectu? tu illam mortuam, tu imagines ipsas non perhorrescis? quibus non modo imitandis, sed ne con-
56 locandis quidem tibi locum ullum reliquisti.' Sed haec tragica
227 atque divina; faceta autem et urbana innumerabilia vel ex una contione meministis; nec enim maior contentio umquam fuit nec apud populum gravior oratio quam huius contra conlegam in censura nuper neque lepore et festivitate conditior. Qua re tibi, Antoni, utrumque adsentior et multum facetias in dicendo prodesse saepe et eas arte nullo modo posse tradi: illud quidem admiror, te nobis in eo genere tribuisse tantum et non
228 huius rei quoque palmam [ut ceterarum] Crasso detulisse.' Tum Antonius 'ego vero ita fecissem,' inquit 'nisi interdum in hoc

2. *neque est* KS cum Abγ: *nulla est* P. 8. *vel ex una* KS cum codd. mut.: *ex una* P.

(L. L. ix. 104) notices that the *u* is long in *ruta* though short in *erutus, obrutus*, etc. Et is often omitted, as in 'sarta tecta,' 'aequum bonum,' etc.

solium, § 143; iii. 33. 133: 'Primer,' p. 31.

recepisse, 'reserved:' see note on i. 39. 179. Ab and some other MSS. have 'reliquisse,' which K. retains: but it cannot be right, and looks like an alteration by a copyist, who did not understand the technical term, perhaps arising from *reliquisti* below.

3. **calumniae** = *συκοφαντίας*, i.e. making a trade of prosecution: cp. p. Mil. 27. 74 'non calumnia litium alienos fundos petebat.' Merguet quotes many similar instances from the speeches of Cicero: cp. Verr. iii. 15. 38 'ut hic quoque Apronio ex miseris aratoribus calumniandi quaestus accederet.' Cp. p. Quint. 3. 11 'vocem in quaestum contulit.'

6. **collocandis.** Here again the codd. mut. have the corrupt reading 'coniungendis.' 'You have left yourself no room . . . I won't say for imitating, but for even setting up those busts.' The zeugma in 'imitandis' (sc. imaginibus) is doubtless due to the desire for a play on the words: cp. § 256.

8. **divina,** sc. 'sunt.' For a large collection of similar instances cp. Seyffert on Laelius, p. 84; Nägelsb. p. 510. Cp. Roby, § 1017.

9. **contentio maior,** 'a greater effort of oratory:' cp. de Off. i. 37. 132 'quoniam magna vis orationis est, eaque duplex, altera contentionis, altera sermonis, contentio disceptationibus tribuatur iudiciorum, contionum, senatus, etc., contentionis praecepta rhetorum sunt, nulla sermonis.' Ib. ii. 14. 48; ad Her. iii. 13. 23 'contentio est oratio acris.'

10. **apud populum:** cp. Brut. 44. 164 'ipsa illa censoria contra Cn. Domitium collegam non est oratio, sed quasi capita rerum et orationis commentarium paulo plenius. Nulla est enim altercatio clamoribus unquam habita maioribus.'

11. **conditior:** Brut. 48. 177 (of Caesar) 'nemo unquam urbanitate, nemo lepore, nemo suavitate conditior.'

12. **utrumque:** cp. i. 9. 35 'cetera, inquit, adsentior Crasso.'

13. **et eas:** not used here with the force pointed out by Roby, § 2259, but simply with the laxity natural in a conversational style, recalling *facetias*.

15. **ut ceterarum:** omitted by the better MSS., and evidently only an explanation of 'quoque.'

16. **in hoc,** 'in respect of this:' cp. pro Flacc. 29. 70 'in qua (purpura) tibi invideo.' Roby, § 1331.

Crasso paulum inviderem; nam esse quamvis facetum atque
salsum non nimis est per se ipsum invidendum; sed cum
omnium sit venustissimus et urbanissimus, omnium gravissimum
et severissimum et esse et videri, quod isti contigit uni, [id]
mihi vix ferendum videbatur.' Hic cum adrisisset ipse Crassus, 229
'ac tamen,' inquit Antonius 'cum artem esse facetiarum, Iuli,
[ullam] negares, aperuisti quiddam, quod praecipiendum vide-
retur: haberi enim dixisti rationem oportere hominum, rei,
temporis, ne quid iocus de gravitate decerperet; quod quidem
in primis a Crasso observari solet. Sed hoc praeceptum prae-
termittendarum est facetiarum, cum eis nihil opus sit; nos autem
quo modo utamur, cum opus sit, quaerimus, ut in adversarium
et maxime, si eius stultitia poterit agitari; in testem stultum,
cupidum, levem, si facile homines audituri videbuntur. Omnino 230
probabiliora sunt, quae lacessiti dicimus quam quae priores,
nam et ingenii celeritas maior est, quae apparet in respondendo,
et humanitatis est responsio; videmur enim quieturi fuisse, nisi
essemus lacessiti, ut in ista ipsa contione nihil fere dictum est
ab hoc, quod quidem facetius dictum videretur, quod non pro-
vocatus responderit; erat autem tanta in Domitio gravitas,
tanta auctoritas, ut, quod esset ab eo obiectum, lepore magis
elevandum quam contentione frangendum videretur.' Tum **57**
Sulpicius 'quid igitur? patiemur' inquit 'Caesarem, qui quam- 231
quam Crasso facetias concedit, tamen multo in eo studio magis

4 *contigit* Abγ al. plur. PS: *contingit* K. *id* om. codd. fere omnes.

2. **cum sit,** 'when a man is:' i. 8. 30 (note); *sis* (Or. Henr.) has very slight authority here.

4. [id], omitted by all good MSS.

6. **ac tamen**: (sic Aγ): cp. i. 32. 148 (note).

7. [**ullam**] Madvig, Adv. Crit. ii. 96, rejects, on the ground that *ullus* and *quisquam* never precede the negative: Abγ have *ullam* but not *Juli*: hence it is probable that the former is corrupted from the latter. Bake rejects *Juli,* because Caesar is not so addressed elsewhere in this book: but cp. § 235.

videretur, at the time when you spoke: cp. § 8: *videtur* would of course stand, but has less authority.

13. **agitari,** 'lashed:' § 238.

14. **cupidum,** 'partial, one-sided:' cp. pro Font. 10. 21 'cupidis et iratis et coniuratis et ab religione remotis [testibus non debet credere iudex].'

15. **probabiliora,** 'more acceptable:' i. 28. 128 (note); 'Quint. vi. 3. 15 'sunt enim longe venustiora omnia in respondendo, quam in provocando.'

17. **humanitatis**: i.e. it is but natural: cp. § 86.

20. **responderit**: Roby, § 1698. Sorof (on i. 3. 10) has noticed that the conj. perf. is always used in a relative clause, depending on a negative past tense: cp. § 161.

23. **quid igitur?** This phrase usually precedes a question which expects a negative answer, and is often used in argument. Cp. Tusc. D. i. 25. 61 'quid igitur? utrum capacitatem aliquam in animo putamus esse, quo, tanquam in aliquod vas, ea quae meminimus infundantur? Absurdum id quidem.'

ipse elaborat, non explicare nobis totum genus hoc iocandi quale sit et unde ducatur; praesertim cum tantam vim et utilitatem salis et urbanitatis esse fateatur?' 'Quid, si' inquit Iulius
232 'adsentior Antonio dicenti nullam esse artem salis?' hic cum Sulpicius reticuisset, 'quasi vero' inquit Crassus 'horum ipsorum, de quibus Antonius iam diu loquitur, ars ulla sit: observatio quaedam est, ut ipse dixit, earum rerum, quae in dicendo valent; quae si eloquentis facere posset, quis esset non eloquens? quis enim haec non vel facile vel certe aliquo modo posset ediscere? sed ego in his praeceptis hanc vim et hanc utilitatem esse arbitror, non ut ad reperiendum quod dicamus, arte ducamur sed ut ea, quae natura, quae studio, quae exercitatione consequimur, aut recta esse confidamus aut prava intellegamus, cum
233 quo referenda sint didicerimus. Qua re, Caesar, ego quoque hoc a te peto, ut, si tibi videtur, disputes de hoc toto iocandi genere quid sentias, ne qua forte dicendi pars, quoniam ita voluistis, in hoc tali coetu atque in tam adcurato sermone praeterita esse videatur.' 'Ego vero,' inquit ille 'quoniam conlectam a conviva, Crasse, exigis, non committam, ut, si defugerim, causam aliquam recusandi tibi dem, quamquam soleo saepe mirari eorum impudentiam, qui agunt in scena gestum spectante Roscio; quis enim sese commovere potest, cuius ille vitia non videat? sic ego nunc, Crasso audiente, primum loquar de facetiis et docebo sus, ut aiunt, oratorem eum, quem cum Catulus nuper audisset, fenum

1. *hoc iocandi* om. K: *hoc iocandi quale* om. ABbγ. etc. 11. *quod* KS cum codd. opt.: *quid* P.

1. **elaborat**: i. 5. 19 (note).

5. **quasi vero**: § 97. **ipse dixit**: § 32.

14. **quo referenda sint,** 'by what standard they are to be judged:' i. 32. 145.

16. **in hoc tali coetu,** 'in a party like the present:' **adcurato** 'carefully arranged' with a view to secure completeness of treatment of all parts of the subject.

18. **collecta** = συμβολή: the contribution expected of each man present at an ἔρανος (*cena collaticia*).

19. **non committam**: § 16.

21. **agunt gestum**: not as Pid. 'venture even to move a hand,' but generally 'to act': cp. Quint. xi. 3. 14 'omnis actio in duas partes divisa, vocem gestumque:' pro Quint. 24. 77 'dicebam huic Q. Roscio cum a me peteret et summe contenderet, ut propinquum suum defenderem mihi perdifficile esse contra talis oratores non modo tantam causam perorare, sed omnino verbum facere conari; cum cupidius instaret, homini pro amicitia familiarius dixi, mihi videri ore durissimo esse, qui praesente eo gestum agere conaretur.' For Roscius, see i. §§ 124, 129, 132, 251, etc.

23. **primum,** 'for the first time,' implying that the subject had not been previously discussed in Latin. This force of *primum* is only found where there is some other expression of time in the sentence; hence it must be closely connected with 'nunc.'

sus, ut aiunt, oratorem: an adaptation of the proverb 'sus Minervam docet.' One editor (Schuetz) has been found capable of thrusting 'Minervam' *de suo* into this passage! Cp. Fest. p. 310 M.

alios aiebat esse oportere.' Tum ille 'iocabatur' inquit 'Catulus, 234
praesertim cum ita dicat ipse, ut ambrosia alendus esse videatur. Verum te, Caesar, audiamus, ut ad Antonii reliqua redeamus.' Et Antonius 'perpauca quidem mihi restant,' inquit 'sed tamen defessus iam labore atque itinere disputationis meae requiescam in Caesaris sermone quasi in aliquo peropportuno deversorio.'
'Atqui' inquit Iulius 'non nimis liberale hospitium meum 58
dices; nam te in viam, simulac perpaulum gustaris, extrudam et eiciam.

Ac ne diutius vos demorer, de omni isto genere quid sentiam 235
perbreviter exponam. De risu quinque sunt, quae quaerantur: unum, quid sit; alterum, unde sit; tertium, sitne oratoris risum velle movere; quartum, quatenus; quintum, quae sint genera ridiculi. Atque illud primum, quid sit ipse risus, quo pacto concitetur, ubi sit, quo modo exsistat atque ita repente erumpat, ut eum cupientes tenere nequeamus, et quo modo simul latera, os, venas, oculos, voltum occupet, viderit Democritus; neque enim ad hunc sermonem hoc pertinet, et, si pertineret, nescire

'Sus Minervam in proverbio est, ubi quis id docet alterum, cuius ipse inscius est. Quam rem in medio, quod aiunt, positam Varro et Euhemerus ineptis mythis involvere maluerunt, quam simpliciter referre.'

1. **esse** (from *edo*): i.e. all others compared with him were but *pecudes*. Crassus replies that, so far from Catulus deserving the food of brute beasts, he ought rather to be treated to that of the gods.

9. **eiciam**: the only form found in any good MSS. Cp. Prof. J. E. B. Mayor on Juv. xv. 17; Munro on Lucret. ii. 951; Lachmann on Gaius, iii. 119 (p. 258) 'adiicere per duo i scriptum ante saeculum xii non facile reperietur:' Brambach, p. 201; Neue, ii.[2] 438; Ribbeck, Verg. Prol. p. 138–9. In the face of this evidence as to the *practice* of the best writers, it cannot be right for Prof. J. B. Mayor, on the strength of the *theories* of Gellius (iv. 17) and some grammarians, to retain *eiicio* etc., in Cicero (De Nat. D. Introd. p. lxvi).

cc. 58–60: §§ 235–247. *Caesar now proceeds to divide his subject into five heads: (1) the nature, (2) origin, (3) rhetorical appropriateness, (4) extent, and (5) divisions of the laughable. The first he puts on one side, as not concerning the present inquiry. The laughable is said to originate in what is disgraceful, pointed out in a manner not disgraceful. It is proper for the orator, but neither crime nor misery are fit subjects for ridicule. Personal defects are, if not treated scurrilously. There are two main divisions of wit, one turning upon the matter, the other on the form of the expression. The former includes anecdotes and caricature, which are both illustrated, and their limitations pointed out.*

14. **quid sit risus**: Quintil. vi. 3. 7 'neque enim ab ullo satis explicari puto, licet multi temptaverint, unde risus, qui non solum facto aliquo dictove, sed interdum quodam etiam corporis tactu lacessitur.' For the most complete discussion of the ludicrous cp. Bain's Emotions, pp. 282 ff.

16. **latera**, i. 25. 114 (note).

17. **viderit**, i. 58. 246 (note). **Democritus**: the authorities for the character of the 'laughing philosopher' are collected, with his usual exhaustive completeness, by Prof. Mayor on Juv. x. 28; e. g. Sen. de Ira, ii. 10. 5 'Democritum aiunt numquam sine risu in publico fuisse.' It is hard to believe (with Ell., Pid., and Sorof) that Democritus is introduced here rather because of his fame as a physicist, than as the γελασῖνος.

me tamen id non puderet, quod ne illi quidem scirent, qui pol-
236 licerentur. Locus autem et regio quasi ridiculi—nam id proxime quaeritur—turpitudine et deformitate quadam continetur; haec enim ridentur vel sola vel maxime, quae notant et designant turpitudinem aliquam non turpiter. Est autem, ut ad illud tertium veniam, est plane oratoris movere risum; vel quod ipsa hilaritas benevolentiam conciliat ei, per quem excitata est; vel quod admirantur omnes acumen uno saepe in verbo positum maxime respondentis, non numquam etiam lacessentis; vel quod frangit adversarium, quod impedit, quod elevat, quod deterret, quod refutat; vel quod ipsum oratorem politum esse hominem significat, quod eruditum, quod urbanum, maximeque quod tristitiam ac severitatem mitigat et relaxat odiosasque res saepe, quas argumentis dilui non facile est, ioco risuque dissolvit.
237 Quatenus autem sint ridicula tractanda oratori, perquam diligenter videndum est, id quod in quarto loco quaerendi posueramus. Nam nec insignis improbitas et scelere iuncta nec rursus miseria insignis agitata ridetur: facinorosos maiore quadam vi quam ridiculi volnerari volunt; miseros inludi nolunt, nisi se forte iactant; parcendum autem maxime est caritati hominum,
59 ne temere in eos dicas, qui diliguntur. Haec igitur adhibenda
238 est primum in iocando moderatio, itaque ea facillime luduntur, quae neque odio magno neque misericordia maxima digna sunt; quam ob rem materies omnis ridiculorum est in eis vitiis, quae sunt in vita hominum neque carorum neque calamitosorum

1. *ne illi quidem* KS: *ne ipsi quidem illi* P. 12. *maximeque* PS: *maxime* codd. mut. K 24. *in eis vitiis* KS: *in istis vitiis* P.

1. **scirent...pollicerentur**: the subj. is due only to the attraction of 'puderet.'

3. **turpitudine**: Cicero is borrowing Aristotle's definition (Poet. c. 6) τὸ γὰρ γελοῖόν ἐστιν ἁμάρτημά τι καὶ αἶσχος ἀνώδυνον οὐ φθαρτικόν; on which Bain remarks 'He would have been nearer the mark if he had expressed it as causing something to appear mean that was formerly dignified: for to depict what is already under a settled estimate of meanness, has little power to raise a laugh; it can merely be an occasion of reflecting our own dignity by comparison.'

6. **est plane oratoris**: 'it is quite within the province of an orator.'

9. **respondentis... lacessentis**: cp. i. 5. 17.

10. **frangit, &c.** Wit 'breaks' the force of an opponent's attack by turning his serious charges into ridicule, 'hampers' him by preventing him from pressing on in the same line, 'damages him' by turning him into a laughing-stock and thus robbing him of his *auctoritas*, 'deters him' by showing the superior acuteness of his antagonist, 'refutes him' by laughing away his accusations.

17. **nec miseria... ridetur**: Quint. vi. 3. 28 'inhumana videri solet fortunae insectatio.'

scelere iuncta: for the abl. cp. Roby, § 1216. This construction is limited to the part. perf. and the gerundive.

19. **volunt**, sc. homines. Roby, § 1428.

20. **caritati**, § 206. For the abstract used as a kind of collective, cp. i. 53. 228: 'illorum orbitati' (note).

neque eorum, qui ob facinus ad supplicium rapiendi videntur; eaque belle agitata ridentur. Est etiam deformitatis et corporis 239 vitiorum satis bella materies ad iocandum; sed quaerimus idem, quod in ceteris rebus maxime quaerendum est, quatenus; in quo non modo illud praecipitur, ne quid insulse, sed etiam, si quid perridicule possis, vitandum est oratori utrumque, ne aut scurrilis iocus sit aut mimicus. Quae cuius modi sint facilius iam intellegemus, cum ad ipsa ridiculorum genera venerimus.

Duo sunt enim genera facetiarum, quorum alterum re tractatur, alterum dicto: re, si quando quid tamquam aliqua fabella narratur, 240 ut olim tu, Crasse, in Memmium, comedisse eum lacertum Largi, cum esset cum eo Tarracinae de amicula rixatus: salsa, ac tamen a te ipso ficta narratio; addidisti clausulam: tota Tarracina tum omnibus in parietibus inscriptas fuisse litteras L.L.L.M.M.; cum quaereres id quid esset, senem tibi quendam oppidanum dixisse: 'lacerat lacertum Largi mordax Memmius.' Perspicitis genus 241 hoc quam sit facetum, quam elegans, quam oratorium, sive habeas vere quod narrare possis, quod tamen est mendaciunculis aspergendum, sive fingas. Est autem haec huius generis virtus, ut ita

5. *modo* om. K cum codd. mut. *quid* om. K cum ABγ. 8. *venerimus* PS cum Aγ: *veniemus* K cum codd. plurimis. 15. *oppidanum* incl. K: non habet A, sed videtur esse lacuna.

2. **belle,** 'neatly,' i. § 247 (note).

deformitatis et corporis vitiorum: Cicero's practice in his speeches, and many of the witticisms quoted in the following chapters, show how widely his canons of good taste differed from those now universally recognized. His speeches 'in Vatinium' and 'in Pisonem' especially abound with the coarsest personal abuse.

4. **quatenus**: Acad. ii. 29. 92 'rerum natura nullam nobis dedit cognitionem finium, ut ulla in re statuere possimus quatenus.' Or. 21. 73 'in omnibusque rebus videndum est quatenus.'

7. **mimicus,** 'farcical.' Or. 26. 88 'illud admonemus tamen, ridiculo sic usurum oratorem, ut nec nimis frequenti, ne scurrile sit, nec subobsceno, ne mimicum.'

9. **re tractatur,** 'turns upon some fact.'

10. **fabella,** 'anecdote.'

11. **Memmium,** the tribune of B.C. 111; 'vir acer et infensus potentiae nobilitatis' (Sall. Jug. 27). Cicero describes him (Brut. 36. 136) as 'orator mediocris, accusator acer atque acerbus' (cp. § 283). Crassus may have been brought into collision with him in his 'suasio legis Serviliae' (Introd. p. 9); to ridicule the ferocious character of the man, he invented a story that M. had bitten the arm of a man with whom he had quarrelled about a mistress, and gave a humorous confirmation of his story by asserting that he had seen the walls of the houses in Tarracina covered with the letters L. L. L. M. M.: these were doubtless intended for an election placard, in the abbreviated form of which the Pompeian *graffiti* supply many instances (cp. Zangemeister, C. I. L. iv. Index, pp. 249 ff.): but Crassus asserted that an old townsman explained them as an iambic trimeter describing this assault.

12. **rixatus**: a verb used nowhere else by Cicero: a *rixa* is properly a quarrel that comes to blows, a brawl: cp. Tac. Hist. i. 64 'iurgia primum, mox rixae.' Iuv. xv. 52.

18. **mendaciunculis,** 'fictitious embellishments.' Cicero's remark here furnishes a standard by which to test the truth of many of his charges against Catilina, Clodius, and others of his enemies.

facta demonstres, ut mores eius, de quo narres, ut sermo, ut voltus omnes exprimantur, ut eis, qui audiunt, tum geri illa fierique
242 videantur. In re est item ridiculum, quod ex quadam depravata imitatione sumi solet, ut idem Crassus: 'per tuam nobilitatem, per vestram familiam!' quid aliud fuit, in quo contio rideret, nisi illa voltus et vocis imitatio? 'per tuas statuas!' vero cum dixit et extento brachio paululum etiam de gestu addidit, vehementius risimus. Ex hoc genere est illa Rosciana imitatio senis:

'tibi ego, Antipho, has sero, inquit; senium est, cum audio.'

Atqui ita est totum hoc ipso genere ridiculum, ut cautissime tractandum sit; mimorum est enim ethologorum, si nimia est imitatio, sicut obscenitas. Orator surripiat oportet imitationem, ut is, qui audiet, cogitet plura, quam videat; praestet idem ingenuitatem et ruborem suum verborum turpitudine et rerum obscenitate

10. *atqui* P post Fleckeis. Krit. Misc. p. 26. *atque* KS.

3. **depravata imitatione,** 'caricature.'

4. **per tuam nobilitatem**: doubtless a caricatured imitation of the way in which Domitius talked of his high birth: **contio** is then used in its proper sense for the popular meeting before which the censors attacked each other. To interpret it as referring to Brutus, as many editors do, would require us to put a forced and unexampled meaning upon *contio*, as the audience in the law court, before which Plancus was arraigned.

9. **seniumst quom audio.** It is best to take these words as part of the comic iambic trimeter. Roscius in acting the part of Antipho had to represent him as quoting a favourite saying of his father's, and in doing so imitated very amusingly the tone and voice of an old man. '"'Tis for you I plant these trees, Antipho," says he. It is a nuisance to hear him.' The transferred meaning of *senium* is recognized by the grammarians, and suits the passage well: cp. Nonius, p. 1 'senium est taedium et odium:' Fest. p. 339 M.; Charis. p. 195. Others, not so well, take 'seniumst quom audio' as said by Caesar: 'it is old age itself (that seems to be speaking) when I hear him.'

10. **Atqui,** etc. 'Yet while this is in its very nature amusing (§ 245), it must be handled with great care.'

11. **ethologorum,** i.e. actors in farces, who depicted characters (ἤθη). For the 'mimes' cp. Mommsen, iv. 579–80: 'the artistic charm depended wholly, as in the Atellana, on the portraiture of the manners of low and common life.' The *aretalogi* whom Ell. couples with these, were quite different, and were not actors at all. Cp. Mayor on Juv. xv. 16.

12. **sicut obscenitas**: Quint. vi. 3. 29 'oratori minime convenit distortus vultus gestusque, quae in mimis rideri solent: obscenitas vero non a verbis tantum abesse debet, sed etiam a significatione:' cp. § 252. *Obscenus* is one of the words (cp. i. § 98, note) in which the best established orthography is not that which is etymologically correct. While the good MSS. in Vergil (Georg. i. 470; Aen. iv. 455, Ribbeck), Horace (Ep. 5. 98; Sat. i. 2. 96; 8. 5; Ep. ii. 1. 127, Keller), Tacitus (Ann. xv. 37), and here give *obscenus*, it can hardly be doubted that the word is for *ob-scaev-nu-s*. (Fest. p. 201 'quom apud antiquos omnes fere obscaena dicta sint, quae mali ominis habebantur').

surripiat, 'suggest in passing:' some of Lord Beaconsfield's happiest parliamentary hits are said to have gained much force from a touch of mimicry.

13. **audiet**: for the tense cp. § 178.

praestet, 'vouch for.'

14. **verborum turpitudine et rerum obscenitate**: another instance of an abstract substantive with the genitive, where we should rather use an adjective in agreement with a substantive: cp. § 237; de Off. iii. 29. 106 'in deformitate corporis' = 'in deformi corpore.' In de Off. i. 29. 104 we have the more common conjunction 'si rerum turpitudini adhibetur verborum obscenitas:' cp. § 236.

vitanda. Ergo haec duo genera sunt eius ridiculi, quod in re 60
positum est, quae sunt propria perpetuarum facetiarum, in quibus 243
describuntur hominum mores et ita effinguntur, ut aut re narrata
aliqua quales sint intellegantur aut imitatione brevi iniecta in
aliquo insigni ad inridendum vitio reperiantur. In dicto autem 244
ridiculum est id, quod verbi aut sententiae quodam acumine
movetur; sed ut in illo superiore genere vel narrationis vel
imitationis vitanda est mimorum ethologorum similitudo, sic in
hoc scurrilis oratori dicacitas magno opere fugienda est. Qui
igitur distinguemus a Crasso, a Catulo, a ceteris familiarem
vestrum Granium aut Vargulam amicum meum? Non mehercule
in mentem mihi quidem venit: sunt enim dicaces; Granio quidem nemo dicacior. Hoc, opinor, primum, ne, quotienscumque
potuerit dictum dici, necesse habeamus dicere. Pusillus testis 245
processit. 'Licet' inquit 'rogare?' Philippus. Tum quaesitor
properans 'modo breviter.' Hic ille 'non accusabis: perpusillum

6. *ridiculum* incl. K post Henrichs.

2. **perpetuarum facetiarum,** 'a continuous vein of humour.'

4. **in aliquo . . . reperiantur,** 'they are discovered to possess some striking and ridiculous failing.'

9. **scurrilis**: placed in a position of emphasis, because it is not *dicacitas*, but *scurrilis d.* which is to be avoided. In Cicero *scurra* never seems to retain the favourable sense of 'wit,' in which it is used by Plautus (e.g. Trin. 202, with Brix's note), and even by Catullus (xxii. 12, Ellis), but always carries a notion of blame with it.

11. **Granium,** a *praeco* by occupation: (Lucil. ap. Gell. iv. 17 'conicere in versus dictum praeconis volebam Grani'). Lucilius referred to an occasion on which Crassus during his tribuneship dined with him (Brut. 43. 160). Cp. ib. 46. 172 'Ego memini T. Tineam Placentinum, hominem facetissimum cum familiari nostro Q. Granio praecone dicacitate certare. Eon', inquit Brutus, de quo multa Lucilius? Isto ipso: sed Tineam non minus multa ridicule dicentem Granius obruebat nescio quo sapore vernaculo:' p. Planc. 14. 30 'ille [Granius] L. Crassi, ille M. Antonii voluntatem asperioribus facetiis saepe perstrinxit impune.' See below, §§ 254, 281, 282. In Ep. Fam. ix. 15. 2, Cicero uses the name almost proverbially: 'itaque, te [Paetus] cum video, omnes mihi Granios, omnes Lucilios, vere ut dicam Crassos quoque et Laelios videre videor.' Nothing is known of Vargula, except the joke in § 247.

12. **venit**: perf. not present. 'Really *I* have never thought of it before:' the form of expression seems chosen merely to retain the freedom of conversational discussion. Caesar goes on 'I should say, by this, in the first place, that we (orators) must not always consider it necessary to say a good thing whenever there is a chance.' I do not think it necessary with Sorof to insert *item* before 'dicaces:' the meaning required is rather 'for they are all witty.' The second distinction is given in § 247, where after a *resumé* of the first, Cicero adds 'et quod,' etc. = 'and also by the fact that,' etc.

15. **Philippus,** § 220. Cp. Brut. 47. 173 'erant ea in Philippo . . . summa libertas in oratione, multae facetiae: satis creber in reperiendis, solutus in explicandis sententiis: erat etiam . . . in altercando cum aliquo aculeo et maledicto facetus.'

quaesitor: the president of the court in a criminal case: 'Primer,' p. 88 ff.; Mommsen, Hist. i. 68. 81, 159; Röm. Staatsr. ii. 504 ff. (cp. Ramsay, Rom. Ant. p. 288 f.)

16. **perpusillum,** might be understood as neut. 'a very short question;' or as masc. 'a very short witness.'

rogabo.' Ridicule. Sed sedebat iudex L. Aurifex brevior ipse quam testis etiam: omnis est risus in iudicem conversus; visum est totum scurrile ridiculum. Ergo haec, quae cadere possunt in quos nolis, quamvis sint bella, sunt tamen ipso genere scurrilia;
246 ut iste, qui se volt dicacem et mehercule est, Appius, sed non numquam in hoc vitium scurrile delabitur. 'Cenabo' inquit 'apud te,' huic lusco familiari meo, C. Sextio; 'uni enim locum esse video.' Est hoc scurrile, et quod sine causa lacessivit et tamen id dixit, quod in omnis luscos conveniret; ea, quia meditata putantur esse, minus ridentur: illud egregium Sextii et ex
247 tempore 'manus lava' inquit 'et cena.' Temporis igitur ratio et ipsius dicacitatis moderatio et temperantia et raritas dictorum distinguet oratorem a scurra, et quod nos cum causa dicimus, non ut ridiculi videamur, sed ut proficiamus aliquid, illi totum diem et sine causa. Quid enim est Vargula adsecutus, cum eum

3. *scurrile* incl. K.

1. **sedebat** 'there was in the jury-box,' § 196.

2. **etiam**: an unusual position for this particle (which strengthens the comparative) chosen to lay stress on *testis*. Later writers often use *adhuc* with this force. Cp. Kühner, ii. 665.

4. **ipso genere,** § 242.

5. **se volt dicacem,** sc. esse: cp. Madv. on de Fin. ii. 31. 102; v. 5. 13 'physicum se voluit.' Mayor on Phil. ii. 6. 14 'te similem maluisti;' who give ten or twelve more exx. The construction is not quite the same as Liv. xxiii. 53 'qui remp. salvam vellent:' cp. Roby, § 1606.

Appius, Claudius; not to be identified with the 'Appius ille maior' of § 284, as is done by Orelli Onomast. and in the Dict. Biog. s.v. (No 29). The distinctive appellation in the latter passage seems intended to preclude this; not as Schütz says to distinguish him from a younger brother with the same praenomen. It is probable that this man was the father of P. Clodius, Cicero's enemy (No. 35), praetor in B.C. 89, consul in B.C. 79. Then the man spoken of as 'ille maior' in B.C. 91 may be assumed to be his father. We know that Clodius was 'A. f. A. n. Pulcher.' The error in the Dict. Biog. arose in part from the erroneous view formerly current as to the date of the Lex Thoria, which has now been fixed to B.C. 118: cp. Mommsen, C. I. L. pp. 75 ff. It does not of course necessarily follow from § 284 that Appius was a senator at the date of the *passing* of the *lex Thoria*, but it is the most natural deduction from the language used there. We cannot argue from the mention of Lucilius, for he did not die till B.C. 103: but we have again some slight confirmation of Mr. Munro's views as to the date of the birth of Lucilius. See note on § 26.

7. **Sextio**: not to be further identified: possibly the C. Sextius Calvinus of Brut. 34. 130, who is spoken of as 'valetudine incommoda,' with 'dolore pedum.' Cp. § 249.

uni, 'for one (guest),' or 'for one (eye).' Cp. Plaut. Stich. iv. 2. 37 'edepol tibi etiam opinor uni locum conspicor ubi accubes.' Persius (i. 128) justly takes as the typical *sordidus* a man 'lusco qui possit dicere "lusce."'

10. **illud,** 'the rejoinder.'

11. **manus lava**: i.e. not with those dirty hands of yours: doubtless with a reference to his love for 'filthy lucre.' It is said that the only occasion on which Brougham was disconcerted was during his canvass of Yorkshire; when on one occasion he appealed to a large meeting to bear witness to the cleanness of his hands, and the audience roared with laughter at the contrast between their moral purity and their physical need of washing.

12. **et,** 'and besides.'

candidatus A. Sempronius cum M. suo fratre complexus esset 'puer, abige muscas?' Risum quaesivit, qui est mea sententia vel tenuissimus ingenii fructus. Tempus igitur dicendi prudentia et gravitate moderabimur; quarum utinam artem aliquam haberemus! sed domina natura est.

Nunc exponamus genera ipsa summatim, quae risum maxime **61**
moveant. Haec igitur sit prima partitio, quod facete dicatur, id 248
alias in re habere, alias in verbo facetias; maxime autem homines delectari, si quando risus coniuncte re verboque moveatur. Sed hoc mementote, quoscumque locos attingam, unde ridicula ducantur, ex eisdem locis fere etiam gravis sententias posse duci: tantum interest, quod gravitas honestis in rebus et severis, iocus in turpiculis et quasi deformibus ponitur, velut eisdem verbis et laudare frugi servum possumus et, si est nequam, iocari. Ridiculum est illud Neronianum vetus in furaci servo: solum esse, cui

7. *id alias in re* hoc *habere, alias in verbo, facetiis autem homines maxime delectari* K non satis caute.

1. **A. Sempronius**, with the family cognomen *Musca*, whence the joke.

complexus esset, as part of the 'prensatio,' i. 24. 112. For the number of the verb cp. Roby, § 1437.

2. **puer**, sc. the *pedisequus* or personal attendant.

4. **moderabimur**, 'we shall determine:' so 'moderari consilia,' etc. For the construction cp. Madvig, § 244, obs. 1.

5. **domina**, not of course teacher, but like κύριος: 'controller.'

cc. 61–65: §§ 248–263. *Caesar now gives the division of verbal wit, pointing out first that serious remarks can generally be derived from the same sources as witty ones. The chief heads are* (1) *the ambiguous;* (2) *the unexpected, often accompanied by ambiguity;* (3) *the play upon words, or puns;* (4) *the interpretation of a name, or the application of a verse or proverb;* (5) *the literal expression of an expression otherwise intended;* (6) *allegory, metaphor, and irony;* (7) *antithetical expressions. These are successively illustrated.*

6. **summatim**, 'summarily.' Before fulfilling his promise, Caesar indulges in three brief digressions: (1) a proof that serious arguments and jests can generally be derived from the same sources; (2) a reference to the various styles of facetiousness not suitable for the orator; (3) some preliminary remarks upon the nature of jests arising from ambiguity.

7. **partitio**, etc., 'let us then make our first division by laying down,' etc. For the construction cp. Tusc. D. iii. 16. 34 'perpetua in omni vita cogitatio nihil esse quod non accidere possit,' and a more similar instance, ib. iv. 38. 83 'animi morborum una sanatio est, omnis opinabilis esse et voluntarios.'

8. **alias . . . alias**, 'at one time . . . at another.'

habere facetias; an expression objected to by Ernesti, Schuetz, and Orelli as unparalleled, but Henrichsen's reference to § 252 'in verbis habere leporem omnem' is quite sufficient defence: 'derives its amusing character sometimes from the matter, sometimes from the language.'

11. **ex eisdem locis fere**. Ern. wished to strike out 'locis' on account of the unusual position of 'fere:' but *fere* does not here qualify 'eisdem,' though this might be defended by iii. 5. 17 'duas horas fere:' but = 'as a rule.' Quintil. vi. 3. 37. says 'neque enim minus numerosi sunt loci, ex quibus haec dicta quam illi ex quibus eae, quas sententias vocamus ducuntur, neque alii.'

12. **et severis**: needlessly bracketed by Ell.: it further defines 'honestis' precisely as 'deformibus' does 'turpiculis.'

13. **ponitur in**, 'is concerned with:' cp. de Off. i. 3. 7 'positum est in praeceptis' = 'versatur in praecipiendo' (Holden): so in § 252.

15. **Neronianum**, probably of C. Claudius Nero, the victor at the Metaurus:

domi nihil sit nec obsignatum nec occlusum, quod idem in bono 249 servo dici solet. Sed hoc eisdem verbis; ex eisdem autem locis nascuntur omnia. Nam quod Sp. Carvilio graviter claudicanti ex volnere ob rem publicam accepto et ob eam causam verecundanti in publicum prodire mater dixit 'quin prodis, mi Spuri? quotienscumque gradum facies, totiens tibi tuarum virtutum veniet in mentem,' praeclarum et grave est: quod Calvino Glaucia claudicanti 'ubi est vetus illud: num claudicat? at hic clodicat'

2. *Sed hoc* incl. K: *sed hoc eisdem etiam verbis* PS: *etiam* om. codd. plurimi.

no other Nero before this time was famous enough to be so quoted without any further definition. The saying may very possibly have been borrowed from Cato's collection of Apophthegmata: cp. § 277.

furaci: Neue, ii.[2] 67 quotes this with the reading 'furace' from Ell.'s text, K.P.S. have as I have printed. I do not think *-e* can be defended here (with Neue) as a 'personal epithet,' against the grammarians' canons.

1. **obsignatum.** The Romans were accustomed to seal up their stores of money, provisions, wine, etc. Cp. Plaut. Epid. ii. 3. 3 (306 Goetz), where a rascally slave Epidicus says: 'quin ex occluso atque obsignato armario | decutio argentum tantum, quantum mihi lubet:' ib. Cas. ii. 1. 1 'obsignate cellas, referte anulum ad me.' Plin. H. N. xxxiii. 1. 6 'nunc cibi quoque ac potus anulo vindicantur a rapina.' Hor. Ep. ii. 2. 134; Becker, Gallus[3], i. 169.

2. **Sed hoc**, etc., i.e. in this case the very same words may be used. We may however have instances where we have a serious remark, and also by a slight change of expression a ludicrous saying derived from the same source. Hence it is needless to accept Kayser's rejection of [sed hoc], which indeed robs the two following stories of their illustrative character.

3. **Sp. Carvilio.** It seems impossible to determine whether this was the first or, as most editors say, the second of the family, who bore the surname Maximus. If the latter Piderit and Orelli must be wrong in accepting the statement of Velleius (ii. 128) that he was born in the equestrian rank, and rose to the highest honours by his valour [consul 234, and again 228, and afterwards augur], for his father was a still more famous general [consul 293, and again 272]. Ell objects that a lame man would hardly have aspired to high office; the instance of Agesilaus shows that lameness was no barrier to eminence in war. For the story of the divorce of Carvilius cp. Niebuhr, Hist. iii. 335.

7. **Glaucia**: Brut. 62. 224 'longe autem post natos homines improbissimus C. Servilius Glaucia, sed peracutus et callidus, cum primisque ridiculus:' cp. in Cat. i. 2. 4; and for his political career Mommsen, iii. 207: 'a vulgar fellow of the lowest origin and of the most shameless street-eloquence, but effective and even dreaded by reason of his pungent wit.' For the lameness of Calvinus see note on § 246.

8. **ubi est.** § 59 (note). **num claudicat?** 'can he be trimming?' *claudicare* is often used metaphorically for 'leaning over' [cp. Lucr. vi. 1107 'et quod in Aegypto est qua mundi claudicat axis' with Munro's note], 'faltering' [Cic. de Off. i. 33. 119 'nec in ullo officio claudicare:' cp. de Nat. D. i. 38. 107 'tota res vacillat et claudicat.'] Hence it may well have been a piece of political slang, like our 'trim' [cp. Macaulay's History, vol. I, c. ii.]. The pronunciation of *o* for *au* was accounted vulgar (see note on i. 39. 178): hence *clodicare* was probably a plebeian term for limping.—The general sense is then: We used to talk about a man's trimming, but this fellow is a regular hobbler. Other interpretations have been given, but this, which is not quite identical with any that I have seen, seems the most natural. I find no reason to believe with Sorof that Calvinus was inclined to the Marian party, nor with Kühner that a Clodius ('ein Hinker') was ever used for 'a good-for-nothing.' The form *Clodius* is not unknown before the time of the notorious P. Clodius, but no one of the name was a prominent politician, still less a demagogue: nor were the Clodii of this time plebeian, as Piderit supposes.

hoc ridiculum est; et utrumque ex eo, quod in claudicatione animadverti potuit, est ductum. 'Quid hoc Navio ignavius?' severe Scipio; at in male olentem 'video me a te circumveniri' subridicule Philippus; at utrumque genus continet verbi ad litteram immutati similitudo. Ex ambiguo dicta vel argutissima 250
putantur, sed non semper in ioco, saepe etiam in gravitate versantur. Africano illi superiori coronam sibi in convivio ad caput adcommodanti, cum ea saepius rumperetur, P. Licinius Varus 'noli mirari,' inquit 'si non convenit, caput enim magnum est:' laudabile et honestum; at ex eodem genere est 'Calvus satis est,

1. *et* incl. K. 2. *Navio* S: *Naevio* KP cum codd. 3. *at* incl. K. 7. *superiori* S: *maiori* KP.

1. **et**, 'and yet.' **animadverti potuit**, 'a remark could be made.'

2. **Navio**: the MSS. seem all to have *Naevio*: but the play upon the name is much more pointed, if we suppose (with Fleckeisen, Krit. Misc. p. 52) that here as in the inferior MSS. of Valerius Maximus, ii. 3. 3, the more familiar name *Naevius*, has been substituted for the less common *Navius*. Indeed even the Cod. Bern. of Valerius, while giving *Navius* in one line, has *Naevio* eight lines lower down. Cp. however Mommsen, Röm. Forsch. ii. 421, who reads *Gnaevio*. In Liv. xxvi. 4. 10; 5. 12, the MSS. all have *Navius*, which the Dict. Biogr. (s. v. Naevius i.) wrongly regards as an error. There is nothing to determine who this Navius was, or which Scipio is meant.

3. **circumveniri**: Fleckeisen (l. c.) suggests that, as this was pronounced in conversation like *circo veniri* (cp. Roby, § 85. 2; Corp. Inscr. Lat. i. p. 603 c.), Philippus (doubtless the consul of this year 91) may have pronounced 'verbo ad litteram immutato' *hirco veniri*. Then, as *vēneo* has occasionally passive forms (Neue, ii[2]. 328), *veniri* actually occurring in Plaut. Pers. iv. 4. 28, in Gaius, ii. 155, and iii. 146, and in inscriptions, Philippus may have wished to suggest the meaning 'I see that I am being sold (i.e. tricked) by you, you stinking fellow.' For this transferred sense of *hircus* (called by Pliny 'foedissimum animalium') cp. Catull. 71. 1; Hor. Sat. i. 2. 27 'Pastillos Rufillus olet, Gargonius hircum.' The older editors quite fail to understand the passage, and propose needless alterations.

4. **continet similitudo.** It would have been more natural to say 'continetur similitudine,' i. e., 'depends upon the resemblance:' **ad litteram**, 'in respect of a single letter,' the παρονομασία of § 256.

7. **superiori**, for the more usual *maiori*: cp. pro Arch. 9. 22 'carus fuit Africano superiori noster Ennius;' Brut. 19. 77 'P. Crassus . . . cum superiore Africano consul fuit.'

coronam: there is an interesting account of the use of garlands at Rome in Plin. Nat. Hist. xxi. 1–4; cp. also Becker Gallus, iii.[3] 315–324 (very incomplete in the English abridgment, pp. 496–8). Becker has overlooked this passage, as proving the existence of the custom as early as the second Punic war. The wearing of garlands was strictly confined to banquets, or rather to the *comissatio* which followed the banquet. Pliny tells us that a certain L. Fulvius, a banker at Rome, having looked out from his balcony on to the forum in the day-time with a garland of roses on his head, during the second Punic war, the senate ordered him to be carried off to prison, and he was not liberated until the end of the war.

8. **Varus**: praetor in B.C. 208 (Liv. xxvii. 22).

10. **laudabile et honestum**, 'a praiseworthy and honourable' characteristic: **caput** is of course used with a reference to his mental capacity.

Calvus satis est, quod dicit parum: 'he is a true Calvus, for he speaks very little.' There does not seem any authority for asserting that *calvus* was used in the sense of our 'bald' of style, which is rather *exilis, ieiunus*, or *inops;* but unless we may assume this, the joke has no point. It is a curious slip on the part of Adler, unless it is a tacit suggestion of an anachronism not easily paralleled in Cicero, to suppose

quod dicit parum.' Ne multa: nullum genus est ioci, quo non ex
251 eodem severa et gravia sumantur. Atque hoc etiam animadvertendum est, non esse omnia ridicula faceta. Quid enim potest esse tam ridiculum quam sannio est? Sed ore, voltu, imitandis moribus, voce, denique corpore ridetur ipso; salsum hunc possum dicere atque ita, non ut eius modi oratorem esse velim, sed ut
62 mimum. Qua re primum genus hoc, quod risum vel maxime movet, non est nostrum: morosum, superstitiosum, suspiciosum, gloriosum, stultum: naturae ridentur ipsae, quas personas agitare
252 solemus, non sustinere. Alterum genus est *in* imitatione admodum ridiculum, sed nobis furtim tantum *uti* licet, si quando, et cursim; aliter enim minime est liberale; tertium, oris depravatio, non digna nobis; quartum, obscenitas, non solum non foro digna, sed vix convivio liberorum. Detractis igitur tot rebus

10. *in* addidit Madv. Adv. Crit. ii. 186. 11. *uti* add. K: non habent PS.

that the Calvus here referred to is the famous orator of the 'Attic' school, the friend of Catullus (Brut. 82. 283 f), for he was born in B.C. 82. Sorof supposes that *Calvus* is not a proper name, but refers to a bald-headed man: with Kayser he assumes that 'quod dicit parum' is an explanation added by Cicero: in that case 'dicebat' would seem more natural; but this Calvus may have been a contemporary of the speaker Caesar. Piderit reads 'Calvo satis est, quod dicit parum,' explaining 'you blame Calvus that he speaks so baldly (parum): but he is a bald-head, and for him "parum dicere" is a great thing (satis est).' The change is slight, but no improvement. That there must be some play upon the meaning of *calvus* is evident from the context.

1. **Ne multa**: sc. dicam, 'in short,' Kühner, ii. 998, note 3. This is the true reading (not *ne multis*) in pro Cluent. 16. 47. So 'quid multa,' § 306. Lael. 21. 78.

quo non ex eodem, 'such that from the same class.'

4. **sannio**, 'buffoon:' cp. Nonius, s.v. Sanniones: 'qui sunt in dictis fatui, et in motibus, et in schemis (σχήμασι), quos μωροὺς vocant Graeci.' Pid. quotes in his Index a passage from Diodorus (Exc. Vatic. p. 129 D) in which the word is derived from a certain extremely comical Latin named Sannio; and Sorof follows him: but it comes more probably from *sanna* (Pers. i. 62, etc.) a sneer or grimace, as Nonius says, or from *σάννας*, a buffoon, quoted from Cratinus. The occurrence of Sannio as a proper name in the Adelphi of Terence points to the direct derivation of the word from the Greek, though *sanna* is doubtless akin.

5. **moribus**, if sound, must mean 'habits, tricks' of gesticulation and the like, but there is much plausibility in Sorof's conjecture 'motibus:' for **denique** seems to sum up what has gone before, 'in short' from his personal appearance.'

6. **atque ita**, 'but only with this restriction:' *atque* introduces a clause which more precisely defines the preceding clause; here in the way of limitation, more usually of stronger statement.

8. **nostrum**, sc. oratorum.

9. **agitare**, § 229. **sustinere**, 'to represent.'

11. **licet**: the editors say, with *hoc genere uti* understood: if we do not accept K.'s reading why not an extension of the common construction with a neuter pronoun? This second class is that referred to in § 242 'orator surripiat oportet imitationem,' a suggestion of caricature.

14. **convivio liberorum**: cp. de Off. i. 29. 104 'facilis igitur est distinctio ingenui et illiberalis ioci. Alter est, si in tempore fit aut si remisso animo, magno homine dignus, alter ne libero quidem, si rerum turpitudini adhibetur verborum obscenitas:' ib. 40. 144 'turpe enim valdeque vitiosum in re severa convivio digna aut delicatum [indecent] aliquem inferre sermonem.' The **vix** sug-

ex hoc oratorio loco facetiae reliquae sunt, quae aut in re, ut ante divisi, positae videntur esse aut in verbo; nam quod, quibuscumque verbis dixeris, facetum tamen est, re continetur; quod mutatis verbis salem amittit, in verbis habet leporem omnem.

Ambigua sunt in primis acuta atque in verbo posita, non in re; 253
sed non saepe magnum risum movent; magis ut belle et litterate dicta laudantur; ut in illum Titium, qui cum studiose pila luderet et idem signa sacra noctu frangere putaretur gregalesque, cum in campum non venisset, requirerent, excusavit Vespa Terentius, quod eum brachium fregisse diceret; ut illud Africani, quod est apud Lucilium

Quid Decius? Nuculam an confixum vis facere? inquit:

ut tuus amicus, Crasse, Granius, 'non esse sextantis.' Et si quae- 254
ritis, is, qui appellatur dicax, hoc genere maxime excellet; sed risus movent alia maiores. Ambiguum per se ipsum probatur id quidem, ut ante dixi, vel maxime; ingeniosi enim videtur vim

1. *loco* PS cum codd. nonnullis: *ioco* K.

6. *magnum* incl. K: om. Lagg. 2, 36.

gests a latitude, of which Cicero's own recorded jokes show that he sometimes availed himself.

1. **ex hoc oratorio loco**, 'from this branch of the subject so far as the orator is concerned.'

3. **dixeris**: Roby, § 1544.

6. **belle**, 'neatly:' § 238. **litterate**, 'in a manner that shows the accomplished man:' cp. Brut. 28. 108 'L Furius Philus perbene Latine loqui putabatur litteratiusque quam ceteri.'

7. **Titium**: Introd. p 14.

8. **signa sacra frangere**. Alcibiades was accused of having taken part in the nocturnal mutilation of the Hermae at Athens; hence doubtless Mommsen's nickname for Titius 'a caricatured Alcibiades.'

in campum, sc. ut pila luderet.

9. **Vespa Terentius**, quite unknown: we have in the position of his cognomen an early instance of the inversion which is very common under the empire, but in Cicero perhaps occurs nowhere else, except in his letters. Cp. however § 283. Cp. Mommsen, Röm. Forsch. i. 41, note 67. Marquardt, Röm. Privatalt. i. 9.

10. **bracchium fregisse**, 'had broken an arm,' leaving it ambiguous whether it was his own or that of one of the statues: *bracchium* is the only legitimate orthography.

12. **Quid Decius?** etc., **quod diceret**: Roby, § 1746.

No satisfactory suggestion has been made as yet for the interpretation of this line, and I have none to offer. Festus, p. 173, says 'Nuculas Praenestinos antiqui appellabant, quod inclusi a Poenis Casilini famem nucibus sustentarunt;' but this does not help us much. There may possibly be some contrast intended between the pliancy of a hazel and *confixum*, which though generally meaning 'pierced,' may perhaps be 'fastened firmly.' Render then 'What is Decius aiming at? Are you wishing to make Nucula (Mr. Bush) firm and steadfast? says he.' For the noun and a verb in the third person understood, where we might have expected the vocative, cp. Hor. Sat. ii. 4. 1 'Unde et quo Catius?' with Orelli's note, and Plat. Menexenus, ad init. 'Εξ ἀγορᾶς ἢ πόθεν Μενέξενος;

13. **non esse sextantis**: (said a man) 'was not to be valued at a farthing;' which according to the accent of the speaker might imply that he was worth less, or more. Some have supposed the ambiguity to lie in the possibility of dividing *sextantis* into *sex tantis* 'six times as much.' This is good enough Latin: cp. Plaut. Trin. 530 'tribus tantis illi minus redit quam opseueris:' but is not likely to be the point here.

15. **id quidem**, concessive, 'indeed:' Roby, § 2259.

16. **vim . . . ducere**, 'to give a different turn to the force of a word from what others are taking it to mean.'

verbi in aliud, atque ceteri accipiant, posse ducere; sed admirationem magis quam risum movet, nisi si quando incidit in
63 aliud genus ridiculi, quae genera percurram equidem. Sed scitis
255 esse notissimum ridiculi genus, cum aliud exspectamus, aliud dicitur: hic nobismet ipsis noster error risum movet: quodsi admixtum est etiam ambiguum, fit salsius; ut apud Novium videtur esse misericors ille, qui iudicatum duci videns percontatur ita: 'quanti addictus?' 'mille nummum.' Si addidisset tantummodo 'ducas licet;' esset illud genus ridiculi praeter exspectationem; sed quia addidit 'nihil addo, ducas licet;' addito altero [ambiguo] genere ridiculi, fuit, ut mihi quidem videtur, salsissimus. Hoc tum est venustissimum, cum in altercatione adripitur ab adversario verbum et ex eo, ut a Catulo in
256 Philippum, in eum ipsum aliquid, qui lacessivit, infligitur. Sed cum plura sint ambigui genera, de quibus est doctrina quaedam subtilior, attendere et aucupari verba oportebit; in quo, ut ea,

11. *altero* [*ambiguo*] K: [*altero*] *ambiguo* S. *ambiguo, altero genere* P.

2. **incidit in**, 'coincides with.'

3. **Sed scitis**: Adler reads *ac scitis* without any MS. authority, on the ground that no contrast is implied: but *sed* is often not much more than transitional. 'I will run over those classes. But I need hardly mention, for you know it already, that the most familiar,' etc.: this seems to be the connexion of thought.

4. **cum aliud expectamus**, the ἀπροσδόκητον, so common in Aristophanes, and often very happily used by Pope: e.g. 'Or stain her honour or her new brocade.'

6. **Novium**, a writer of Atellan plays, contemporary with the speaker: cp. Teuffel, Rom. Lit. § 125. 3. Ribbeck, Com. Lat. pp. 215–230. Here, as often, he is confused in many MSS. with Naevius.

7. **iudicatum duci**. When judgment was given against a debtor he was allowed thirty days within which to raise the money due. If it was not paid within this time, he was summoned before the praetor, and by him 'assigned' to the creditor, who could imprison him in chains. Sixty further days of grace were allowed, within which time he had to be produced before the praetor on three successive *nundinae*, 'quantaeque pecuniae iudicatus esset, praedicabatur.' After the third *nundinae* the debtor might be put to death or sold across the Tiber. This is the account given by Gellius, xx. 1. 42–47, referring however to an earlier period than that of Novius.—Cp. Legg. xii Tabb. iii. in Schoell, Bruns or Wordsworth's Fragments and Specimens, and for a discussion of the process the article *Nexus* in the Dict. Ant.—Here the bystander asks the amount of the debt for which the man was assigned. The answer is 'for a thousand sesterces.' If he had added 'you may take him away,' this would have been an unexpected answer, but he says also 'I will go no further,' as if bidding at an auction, and thinking the article for sale worth no more: hence the witty ambiguity.

11. **[ambiguo] altero genere**: the reading of these words is doubtful. Pid. retains all three, taking *ambiguo* as a substantive 'by the addition of the ambiguity:' as just above, and in § 111. It seems better to reject *ambiguo* as an explanatory gloss with Kayser, than *altero* with Sorof. I do not see the force of the argument of the latter, that the *ambiguum genus ridiculi* cannot be called here *alterum genus* because it is excluded in § 254. Surely it is reintroduced in § 255.

13. **adripitur**, § 89. **a Catulo**, § 220.

15. **plura ambigui genera**, § 111.

16. **aucupari**, § 30; i. 55. 236: pro Caec. 18. 52 'sermo hercule et familiaris et cotidianus non cohaerebit, si verba inter nos aucupabimur.'

quae sint frigidiora, vitemus,—est enim cavendum, ne arcessitum dictum putetur—permulta tamen acute dicemus. Alterum genus est, quod habet parvam verbi immutationem, quod in littera positum Graeci vocant *παρονομασίαν*, ut 'Nobiliorem mobiliorem' Cato; aut, ut idem, cum cuidam dixisset 'eamus deambulatum' et ille 'quid opus fuit de?' 'immo vero' inquit 'quid opus fuit te?' aut eiusdem responsio illa 'si tu et adversus et aversus impudicus es.' Etiam interpretatio nominis habet acumen, cum ad 257
ridiculum convertas, quam ob rem ita quis vocetur; ut ego nuper Nummium divisorem, ut Neoptolemum ad Troiam, sic illum in campo Martio nomen invenisse; atque haec omnia verbo con- 64
tinentur. Saepe etiam versus facete interponitur, vel ut est vel paululum immutatus, aut aliqua pars versus, ut Statii a Scauro stomachante; ex quo sunt non nulli, qui tuam legem de civitate natam, Crasse, dicant:

st, tacete, quid hoc clamoris? quibus nec mater nec pater,
tanta confidentia? auferte istam enim superbiam.

nam in Caelio sane etiam ad causam utile fuit tuum illud, Antoni,

1. *est enim cavendum* S: *etenim cavendum est* K: *est* non habent codices plerique.

attendere et aucupari, practically form a hendiadys; 'to be on the watch to catch up words.'

in quo, 'in doing which.' **ut**, 'although.'

4. ***παρονομασίαν***, in Latin *adnominationem*, including both 'assonance' and 'alliteration.' Cp. Volkmann, p. 407 ff. The expression is one later than Aristotle, who only talks of *ἴσα σχήματα*.

Nobiliorem, consul 189, conqueror of the Aetolians in a campaign in which he was accompanied by the poet Ennius. Cato's taunt may have been due to the favour shewn by Fulvius to literature, and especially to Greek culture (Brut. 20. 79; Tusc. D. i. 2. 3; pro Arch. 11. 27) or to the readiness with which he conferred distinction upon his soldiers for slight services (Gell. v. 6. 24).

5. **deambulatum**, a word used by the earlier writers, e.g. by Cato himself (R. R. § 127 'aegrotus saliat decies et deambulet') and Terence; but out of fashion in the classical period. Cato replies angrily to a critic censuring his old-fashioned phrase:—'what need of *through*?' 'Nay, rather what need of *you*?'

10. **Nummium divisorem**, 'the bribery agent,' not unlike the 'ward-captains' of whom we have heard so much of late; not to be confused with the *diribitores*, who were officials charged with the distribution of the ballot-tickets, as has been shown by Madvig (de Ascon. p. 134, note) and Wunder (pro Planc. p. 78). As Pyrrhus the son of Achilles got the name 'Neoptolemus' because he came when young to the siege of Troy, so Caesar said that Nummius had got his name from distributing *nummi* at the elections. The name Nummius does not seem to occur elsewhere before the time of the Empire.

13. **Statii**, § 40. **Scauro**, § 197. The reading of the MSS. would represent the verse as addressed by some unknown Statius to Scaurus, and to contain a taunt directed against the poverty of his father; but in spite of this Scaurus belonged to one of the most illustrious patrician families of Rome. Hence all recent editors have justly adopted Bake's conjecture.

14. **tuam legem**: Introd. p. 10.

16. **St, tacete**, etc., trochaic tetrameters catalectic: *quĭd hōc* is scanned *quĭd hŏ*, as often in Plautus and Terence (cp. Wagner's Introduction to the Aulularia, B–E), in *quibus* the *s* is dropped: cp. note on i. 45. 198.

18. **in Caelio**: Antonius was accused *de ambitu* by Duronius, whom during his

cum ille a se pecuniam profectam diceret testis et haberet filium delicatiorem, abeunte iam illo,

sentin senem esse tactum triginta minis?

258 in hoc genus coniciuntur proverbia, ut illud Scipionis, cum Asellus omnis provincias stipendia merentem se peragrasse gloriaretur: 'agas asellum' et cetera; qua re ea quoque, quoniam mutatis verbis non possunt retinere eandem venustatem,
259 non in re, sed in verbis posita ducantur. Est etiam in verbo positum non insulsum genus ex eo, cum ad verbum, non ad sententiam rem accipere videare; ex quo uno genere totus est Tutor, mimus vetus, oppido ridiculus. Sed abeo a mimis; tantum genus huius ridiculi insigni aliqua et nota re notari volo; est autem ex hoc genere illud, quod tu, Crasse, nuper ei, qui te rogasset, num tibi molestus esset futurus, si ad te bene ante lucem venisset, 'tu vero' inquisti 'molestus non eris.' 'Iubebis

6. *et cetera* om. B. incl. K. *ut ceterarum* om. ABbγ, etc.: incl. Ell.

censorship he had expelled from the senate (§ 274). It may be conjectured that Caelius had given evidence that he had supplied money through his son to be used for bribery on behalf of Antonius; and that the defence of Antonius was that the money had been got out of the father by his profligate son by means of a false story, and had been squandered by him on his own pleasures. Recent experience has shown that money supplied by the candidates or their friends for purposes of bribery does not always get beyond the pockets of the agents.

3. **Sentin**: for *sentisne:* (cp. Roby, § 193, id. S. G. § 885). The verse is iambic trimeter: its author is unknown. **Tangere** is often used by the comic poets for 'to cheat out of:' cp. Plaut. Epid. 705 (Goetz) 'istam ob rem te tetigi triginta mineis.' So our 'hit.'

5. Ti. Claudius **Asellus** was expelled by Scipio in his censorship (B.C. 142) from the equestrian order (Gell. iii. 4. 1 'cui equum in censura ademerat'), and in revenge prosecuted him as tribune in B.C. 139 for having brought a plague upon Rome by not delivering aright the customary prayer at the lustration. Scipio instead of praying 'ut pop. Rom. res meliores ampliores faciant,' had prayed 'ut p. R. res perpetuo incolumis servent' (Val. Max. iv. 1. 10: cp. Mommsen, iii. 87). Doubtless on this occasion Asellus complained of his degradation, and boasted of having served in every province. Scipio rejoined by quoting part of the proverb 'agas asellum, cursum non docebitur:' cp. Hor. Sat. i. 1. 90, 91 'infelix operam perdas ut si quis asellum in campo doceat parentem currere frenis,' where Comm. Cruq. says 'est autem proverbiale schema *docere asinum currere.*' This is better than to suppose, with many editors, that there is a reference to the Greek proverb εἰ μὴ δύναιο βοῦν, ἔλαυνε ὄνον, assuming the point to be that his various commanders had taken Asellus, because they could get no one better.

9. **ad verbum**, 'literally.'

11. **Tutor**, not mentioned elsewhere.

oppido: cp. Quint. viii. 3. 36 '*oppido* quidem usi sunt paulum tempore nostro superiores, vereor ut iam nos ferat quisquam.' Corssen, ii. 870 and Curtius, i. 304, explain the word as properly 'on the ground,' hence 'firmly, surely, certainly.' Cp. ἔμπεδον, Roby, § 511. Fest. p. 184, Müll. gives the absurd derivation 'vel oppido satis;' though doubtless, *oppidum* 'a country-town,' is of the same origin. This word too is common in the comic writers, and in Cicero's letters, but is not used in his speeches.

tantum volo, 'I merely wish.'

14. **bene**: like our '*well* before:' cp. § 361, and *bona pars*, § 14: so ad Att. iv. 9. 2; 10. 16 *bene mane haec scripsi.* This use is found in the speeches, though not very commonly: e.g. pro Mur. 33. 69 'obviam cum bene magna caterva sua venit.'

15. **molestus**: the ambiguity is as

igitur te' inquit 'suscitari?' Et tu 'certe negaram te molestum futurum.' Ex eodem hoc vetus illud est, quod aiunt Malu- 260
ginensem illum [M.] Scipionem, cum ex centuria sua renuntiaret Acidinum consulem praecoque dixisset 'dic de L. Manlio:' 'virum bonum' inquit 'egregiumque civem esse arbitror.' Ridicule etiam illud L. [Porcius] Nasica censori Catoni; cum ille 'ex tui animi sententia tu uxorem habes?' 'non hercule' inquit 'ex mei animi sententia.' Haec aut frigida sunt aut tum salsa, cum aliud est exspectatum. Natura enim nos, ut ante dixi, noster delectat error; ex quo, cum quasi decepti sumus exspectatione, ridemus. In verbis etiam illa sunt, quae aut ex immutata 65
oratione ducuntur aut ex unius verbi translatione aut ex inver- 261

clear in English as in Latin. 'No, you won't trouble me.'

3. [**M.**] **Scipionem**: the praenomen found in the MSS., and retained even by Piderit, cannot stand here; its position would be quite unexampled, except in poets: hence Ell. rightly regarded it as a repetition of the last letter of *illum*.

ex centuria sua: the vote of the century was reported to the presiding magistrate (at consular elections always a consul), by the *rogator*, who, previous to the 'lex Gabinia tabellaria' of B.C. 139, collected the votes of the citizens orally, and entered them by dots pricked against the name of each candidate (hence the phrase *puncta ferre*: Liv. x. 13. 22, etc.). When Scipio Maluginensis was asked at the consular election of B.C. 180 how his century had voted with respect to L. Manlius Acidinus, he chose to take the formal question of the *praeco* as an enquiry as to his own opinion of Manlius, a joke *παρὰ προσδοκίαν*. Some editors have tried to force some further meaning out of his words, but quite needlessly.

renuntiare is much more commonly used of the formal announcement of an election by the presiding magistrate, either personally, or through the *praecones*, as in pro Mur. 1. 1 'comitiis centuriatis L. Murenam consulem renuntiavi:' but cp. Varro, R. R. iii. 17 'coepti sunt a praecone renuntiari, quem quaeque tribus fecerit aedilem;' de Imp. Pomp. 1. 2 'ter praetor primus centuriis cunctis renuntiatus sum.'

6. **L.** [**Porcius**] **Nasica**: the cognomen *Nasica* never belonged to any family of the *Porcia gens*; it is found only belonging to a family of the Scipios. Hence it cannot be genuine here: it is better to strike it out altogether, than to read with the earlier editors 'Porcio Catoni.' A L. Porcius was consul with P. Claudius in B.C. 149, when Cato was censor (Brut. 15. 60). A copyist may have had an untimely remembrance of this; but it is more likely that the *Porcius* is a gloss on 'Catoni.'

ex tui animi sententia, a common formula in oaths or solemn affirmations: cp. Liv. xxii. 53. 10 'ex mei animi sententia, inquit [iuro], ut ego rem pub. p. R. non deseram, neque alium civem Romanum deserere patiar:' ib. xxiii. 15. 8 'ita ius iurandum adigebant, ex tui animi sententia tu ex edicto in Macedoniam redibis.' Acad. ii. 47. 146 '[maiores] primum iurare ex sui animi sententia quemque voluerunt.' So Quint. viii. 5. 1 'sententiam veteres quod animo sensissent vocaverunt; nam et iuraturi ex animi nostri sententia et gratulantes ex sententia dicimus.' Hence it also meant 'according to your heart's desire.' Cato in revising the list of citizens required of Nasica the usual solemn declaration whether he was married; Nasica took up the phrase in its more familiar meaning: we may perhaps retain something of the ambiguity by rendering 'To the best of your judgment.' Gellius, who tells the story without mentioning names (iv. 20), adds that the result of this unseasonable wit was the degradation of the joker into the ranks of the *aerarii*, 'quia intempestive lascivisset.' Unmarried men had to pay an extra tax, known as the *aes uxorium*. Cp. Fest. s. v. and Val. Max. ii. 9. 1.

9. **ante dixi**, § 255.

11. **ex immutata oratione**, 'from allegorical language,' called by Quintil. viii. 6. 44 'inversio:' cp. iii. 41. 166.

12. **translatione**, 'metaphorical use,' iii. 38. 155.

sione verborum: ex immutatione, ut olim Rusca cum legem ferret annalem, dissuasor M. Servilius 'dic mihi,' inquit 'M. Pinari, num, si contra te dixero, mihi male dicturus es, ut ceteris
262 fecisti?' 'Ut sementem feceris, ita metes' inquit; ex translatione autem, ut, cum Scipio ille maior Corinthiis statuam pollicentibus eo loco, ubi aliorum essent imperatorum, turmalis dixit displicere; invertuntur autem verba, ut, Crassus apud M. Pernam iudicem pro Aculeone cum diceret, aderat contra Aculeonem Gratidiano L. Aelius Lamia, deformis, ut nostis; qui cum interpellaret odiose, 'audiamus' inquit 'pulchellum puerum' Crassus; cum esset adrisum, 'non potui mihi' inquit Lamia 'formam ipse fingere, ingenium potui;' tum hic 'audiamus' inquit 'disertum:' multo etiam adrisum est vehementius. Sunt etiam illa venusta ut in gravibus sententiis, sic in facetiis—dixi enim dudum rationem aliam esse ioci, aliam severitatis, gravium

inversione verborum, 'irony:' Quint. viii. 6. 54 'in eo genere, quo contraria ostenduntur, ironia est: illusionem vocant.'

1. **Rusca,** not otherwise known. Livy, xl. 18, mentions a M. Pinarius Posca as praetor in B.C. 181. According to Livy, xl. 44 it was the *lex Annalis* of L. Villius tr. pl., which first fixed 'quot annos nati quemque magistratum peterent caperentve:' but it appears from his own account of the election of Scipio as aedile in B.C. 213 (xxv. 2), that a limit of age had already been fixed. Polyb. iv. 19 says that no man was allowed to hold any political office until he had served in ten campaigns, i.e. till he was 27 years old.

3. **dicturus es:** these words are not subordinate to 'dic mihi,' but coordinate: hence the mood. In Plautus and Terence we find numerous instances, which look as if the rule for 'dependent interrogatives' was violated. For this usage, cp. E. Becker, 'De Syntaxi interrogationum obliquarum' in Studemund's Studien, i. 115 ff.

4. **ut sementem feceris:** cp. Ar. Rhet. iii. 3. 4 *σὺ δὲ ταῦτα αἰσχρῶς μὲν ἔσπειρας, κακῶς δὲ ἐθέρισας.* So 2 Cor. ix. 6 *ὁ σπείρων φειδομένως, φειδομένως καὶ θερίσει· καὶ ὁ σπείρων ἐπ' εὐλογίαις, ἐπ' εὐλογίαις καὶ θερίσει*: Gal. vi. 7 *ὃ γὰρ ἐὰν σπείρῃ ἄνθρωπος, τοῦτο καὶ θερίσει.*

6. **turmales,** properly 'men belonging to the same squadron:' probably an equestrian statue was offered to Scipio, when he answered 'he did not like the men with whom he was squadded,' doubtless referring both to the number and to the character of those who had received the same distinction at Corinth. Cp. Vell. i. 11 'Metellus . . . qui hanc turmam statuarum equestrium, quae pontem equitum spectant, hodieque maximum ornamentum loci, ex Macedonia detulit.' Probably the honour so declined was offered to Scipio when he accompanied his brother L. Scipio Asiaticus to Greece on his way to the war with Antiochus.

7. **invertuntur:** 'are used in irony.'

8. **Aculeone:** cp. § 2. **Gratidiano:** i. 39. 178. Perperna was probably the man who was consul in B.C. 92: a single *iudex* was competent to hear a civil suit *in iudicio,* when the case had been put into the proper form by the praetor *in iure.* Piderit (and Sorof after him) gives the date of B.C. 97 for this trial, apparently following the notion of some old editors that Perperna was praetor at the time of the trial, Pighius having fixed (on conjecture) that year as the date of his praetorship.

11. **adrisum,** as usually of an approving laugh.

13. **disertum:** doubtless Lamia (of whom nothing further is known) was a very poor speaker.

14. **illa:** sc. verba relata contrarie, 'words sharply contrasted in antithesis:' Or. 50. 166 'quae Graeci *ἀντίθετα* nominant, cum contrariis opponuntur contraria.'

15. **dudum,** 'just now:' i. 47. 206 (note).

autem et iocorum unam esse materiam—ornant igitur in primis 263
orationem verba relata contrarie, quod idem genus saepe est etiam facetum, ut, Servius ille Galba cum iudices L. Scribonio tribuno plebis ferret familiaris suos et dixisset Libo 'quando tandem, Galba, de triclinio tuo exibis?' 'Cum tu' inquit 'de cubiculo alieno.' A quo genere ne illud quidem plurimum distat, quod Glaucia Metello 'villam in Tiburte habes, cortem in Palatio.'

Ac verborum quidem genera, quae essent faceta, dixisse me **66**
puto; rerum plura sunt, eaque magis, ut dixi ante, ridentur; in 264
quibus est narratio, res sane difficilis; exprimenda enim sunt et ponenda ante oculos ea, quae videantur et veri similia, quod est proprium narrationis, et quae sint, quod ridiculi proprium est,

7. *Tiburte* codd. *Tiburti* voluit S.

1. **igitur,** 'I say;' resumptive after the parenthesis.

3. **Servius Galba.** For his prosecution by Scribonius Libo see note on i. 10. 40. The defendant in a civil suit had the right of proposing to the plaintiff one or more *iudices* from the *album iudicum* to decide the *sponsio* which put the question at issue into a form for decision, but the plaintiff could refuse to accept those proposed (§ 285); for as Cicero says (pro Cluent. 43. 120) 'neminem voluerunt maiores nostri non modo de existimatione cuiusquam, sed ne pecuniaria quidem de re minima esse iudicem, nisi qui inter adversarios convenisset.' But this of course did not apply to a prosecution before the people: hence we must suppose that this story refers to some other suit between Galba and Libo. There can be no question here of *iudices editicii*, as some have supposed: these were strictly limited to a particular kind of prosecution. There is some reason to believe that in the *Lex Servilia de repetundis* (B.C. 105), each party named (*edebat*) 100 iudices, and challenged 50 of those nominated by the other side: if we may assume that there was some provision of this kind in the *Lex Calpurnia* in force at the time of Galba's misgovernment, this would supply an explanation of the circumstance here described.

5. **de triclinio tuo,** i.e. the circle of your own intimate friends, who are wont to dine with you.

de cubiculo alieno: 'intellegi voluit, Libonem fuisse moechum.' Pearce.

7. **Glaucia,** § 249. **Metellus,** the consul of B.C. 109, who took part in the war against Jugurtha; he was in politics strongly opposed to the demagogue Glaucia.

cortem, 'farm-yard,' identical with *cohors*, but commonly contracted in this sense. Nonius, p. 83 says 'cortes sunt villarum intra maceriam spatia.' The word is often used by Cato (uncontracted), Varro, and Columella with this meaning. Notice how our word 'court' comes in one of its uses from this application of the word, in another from the usage often found in post-Augustan writers of the retinue of a prince. The meaning of the joke is plain enough, though it has been much discussed: 'your farm is at Tibur, but your farm-yard on the Palatine,' i.e. you have in your town-house a number of retainers, clients, etc. who are nothing but *pecora*, whose proper place is in the farm-yard.

cc. 66–71: §§ 264–290. *Caesar now gives the various divisions of wit, depending not upon the expression but upon the substance of the thought. The subdivisions are very numerous, and are separately illustrated, but the main heads are six:* (1) *deceiving of expectation;* (2) *caricature;* (3) *comparison with something ugly or disgraceful;* (4) *irony;* (5) *assumed simplicity;* (6) *the lashing of folly.*

10. **dixi ante,** § 254.

11. **narratio,** § 240.

13. **et quae sint:** a slight irregularity of construction, as though 'quae et videantur veri similia' had preceded.

subturpia; cuius exemplum, ut brevissimum, sit sane illud, quod
ante posui, Crassi de Memmio. Et ad hoc genus ascribamus
265 etiam narrationes apologorum; trahitur etiam aliquid ex historia,
ut, cum Sex. Titius se Cassandram esse diceret, 'multos'
inquit Antonius 'possum tuos Aiaces Oileos nominare.' Est
etiam ex similitudine, quae aut conlationem habet aut tamquam
imaginem: conlationem, ut ille Gallus olim testis in Pisonem,
cum innumerabilem Magio praefecto pecuniam dixisset datam
idque Scaurus tenuitate Magii redargueret, 'erras,' inquit
'Scaure; ego enim Magium nón conservasse dico, sed tamquam
nudus nuces legeret, in ventre abstulisse;' ut illud M. Cicero
senex, huius viri optimi, nostri familiaris, pater, 'nostros homines
similis esse Syrorum venalium: ut quisque optime Graece
266 sciret, ita esse nequissimum.' Valde autem ridentur etiam
imagines, quae fere in deformitatem aut in aliquod vitium corporis
ducuntur cum similitudine turpioris: ut meum illud in

1. **subturpia,** 'somewhat discreditable.'

ut brevissimum, 'as being a very brief one:' there is no need of Orelli's conjecture 'ut brevis sim' adopted by Henr. and Ellendt.

sit sane: 'you may take, if you please:' i. 55. 235.

2. **de Memmio,** § 240.

3. **apologorum,** 'fables,' like that of the town and country mouse in Horace (Sat. ii. 6. 79 ff.), or the belly and the members in Liv. ii. 32. 9.

trahitur, 'is borrowed.'

4. **Cassandram**: i.e. no one believed his warnings. For Cassandra's uncredited prophecies cp. Verg. Aen. ii. 246, with Servius ad loc. and the references of the commentators: for the outrages offered her by Ajax Oileus, ib. i. 41, with the notes, and Dict. Biog. i. 88 a. It is not quite clear whether **Oileos** is here acc. plur. or a Greek gen. sing. (Roby, § 482): Ov. Met. xii. 617 has 'non audet Oileos Aiax:' and Cic. Tusc. iii. 29. 71 mentions Oileus as the father of Aiax: hence Conington on Aen. i. 46 regards the latter as the more probable. But Seneca Med. 661 has Oileus as the surname of Aiax, 'fulmine et ponto moriens Oileus,' and as the attributive genitive for the father's name is not common in Latin, except for special emphasis, it may be better to take it as an adjective. The dictt. quote 'Oilēus' as an adjective from Hyginus and Dictys.

6. **conlationem,** 'comparison.'

7. **Gallus.** Nothing is known of Gallus or Magius. It is evident that Scaurus (§ 257) was defending a certain Piso—we cannot determine which, but probably the consul of B.C. 112, No. 5 in Dict. Biog.—when prosecuted for extortion: Gallus gave evidence that a very large sum of money had been paid to Magius, one of the praefecti of Piso (i.e. one of the members of his staff nominated for special duty: Marquardt, Staatsverw. i. 412); Scaurus alleged in disproof of this that Magius was very poor: Gallus retorted that he had wasted the money in gluttony.

11. **nudus** = γυμνός (St. John xxi. 7): i.e. with only his tunic on (Mayor, Juv. iv. 49), which would have no *sinus*, that could be used as a pocket. Cp. Verg. Georg. i. 299 'nudus ara, sere nudus:' and for *sinus* as a pocket, Mayor on Juv. i. 88.

illud, sc. dixit.

M. Cicero, the grandfather of the orator. For the hostility of the old-fashioned Romans to Greek literature and philosophy cp. Cato's advice to his son, quoted by Pliny, N. H. xxix. 7. 14; (Wordsworth's Specimens, p. 342); Mommsen, ii. 407, 414 ff. For Syria as a source of the slave-supply cp. Mommsen, iii. 78.

13. **Graece sciret**: cp. note in Mayor on Juv. i. 104.

15. **imagines,** 'portraits.'

16. **ducuntur in,** 'are directed against.'

Helvium Manciam 'iam ostendam cuius modi sis,' cum ille 'ostende, quaeso;' demonstravi digito pictum Gallum in Mariano scuto Cimbrico sub Novis distortum, eiecta lingua, buccis fluentibus; risus est commotus; nihil tam Manciae simile visum est; ut cum Tito Pinario mentum in dicendo intorquenti: 'tum ut diceret, si quid vellet, si nucem fregisset.' Etiam illa, quae 267
minuendi aut augendi causa ad incredibilem admirationem efferuntur; velut tu, Crasse, in contione: 'ita sibi ipsum magnum videri Memmium, ut in forum descendens caput ad fornicem Fabianum demitteret;' ex quo genere etiam illud est,

10. *Fabianum* K cum Lagg. 2, 36: *Fabii* PS. Hic tamen scriptum voluit *Fabium*, collato Quint. vi. 3. 67.

Sorof holds that *ducere* must be used here, as in Plin. N. H. vii. 38 'idem hic imperator [Alexander] edixit ne quis ipsum alius . . . quam Lysippus ex aere duceret' and elsewhere, of *shaping* a portrait; but this force is nowhere found in Cicero, and in other writers it seems to be always used of casting out of metal, or carving of stone: so that we can hardly venture to introduce it here. Ell. says '*duci* imagines *in deformitatem* videatur, quae deflectuntur sive detorquentur. Dura tamen locutio est, nec absimilis veri Bakii suspicio *imagines* delentis et scribentis *dicuntur*.' I do not think the alteration necessary: even supposing that *imagines* is a marginal gloss, the corruption of *dicuntur* would not be easy to explain.

cum similitudine turpioris, 'resembling in some point of personal defect.'

1. **Helvium**: unknown.

2. **Gallum**: the Cimbri were often spoken of as Galli; e.g. de Prov. Cons. 13. 32 'C. Marius influentes in Italiam Gallorum maximas copias repressit:' Mommsen's view (iii. 178–9) is that they were Germans, but that their army included Celtic elements. A shield captured by Marius in the war with the Cimbri was hanging up for a sign (as Quintilian, vi. 3. 38 says), on one of the 'New Shops' along the north-eastern side of the Forum, within sight of the court in which Caesar was pleading. Cp. Burn (Rome and the Campagna, p. 90), who by a slip ascribes this jest to Cicero. Pliny, N. H. xxxv. 25 (Detl.) tells the story somewhat differently: 'deinde video et in foro [tabulas] positas vulgo; hinc enim ille Crassi oratoris lepos agentis sub Veteribus, cum testis compellatus instaret: dic ergo, Crasse, qualem me noris? talem, inquit, ostendens in tabula pictum inficetissime Gallum exserentem linguam.' In Liv. ix. 40: it is said that the captured Samnite shields adorned with silver and gold were distributed by the dictator among the owners of the banking shops to be hung up for the adornment of the Forum: but these seem only to have been displayed on special occasions. Hence it is not clear that, as Mr. Burn says, these shields were hung up by Marius: Quintilian's statement is more probably correct.

4. **fluentibus**, 'loose, hanging:' Nägelsb. p. 379.

5. **ut cum Tito Pinario**: 'just as when (I said) to T. Pinarius that he must speak, if he wanted to say anything, when he had done cracking his nut.' For tum with a conditional clause cp. Cic. ad Fam. ii. 10. 3 'quod si, ut spero, cepero, tum vero litteras publice mittam.' The *oratio recta* here would be 'tum dic, si quid vis, si nucem fregeris.'

7. **minuendi**. Macrob. Sat. ii. 3. 3, tells us that Cicero seeing his son-in-law Lentulus Dolabella, a very short man, girded with a long sword asked 'quis generum meum ad gladium adligavit?'

ad incredibilem admirationem efferuntur: 'are exaggerated till they are quite incredible.' Nägelsb. Stil. p. 85.

9. **ad fornicem Fabii**: cp. Burn's Rome, pp. 78, 104. Quintilian seems to miss the point here (vi. 3. 67): 'An non plurima καθ' ὑπερβολὴν dicuntur? quale Cicero de Memmio homine praelongo caput eum ad fornicem Fabii offendisse.' There is nothing to show that Memmius was really tall. Crassus meant that he usually held his head so high in his arrogance that he thought he must stoop when going down into the Forum under the Fabian arch.

quod Scipio apud Numantiam, cum stomacharetur cum C. Metello, dixisse dicitur: 'si quintum pareret mater eius, asinum
268 fuisse pariturum.' Arguta est etiam significatio, cum parva re et saepe verbo res obscura et latens inlustratur; ut, cum C. Fabricio P. Cornelius, homo, ut existimabatur, avarus et furax, sed egregie fortis et bonus imperator, gratias ageret, quod se homo inimicus consulem fecisset, bello praesertim magno et gravi 'nihil est, quod mihi gratias agas,' inquit 'si malui compilari quam venire;' ut Asello Africanus obicienti lustrum illud infelix, 'noli' inquit 'mirari; is enim, qui te ex aerariis exemit, lustrum condidit et taurum immolavit.' [Tacita suspicio est, ut religione civitatem obstrinxisse videatur Mummius, quod Asellum ignominia levarit.]

1. **C. Metello,** the fourth and least distinguished son of the illustrious Q. Metellus Macedonicus (i. 49. 211, note). This man was consul B.C. 113 (No. 10 in Dict. Biog.). Scipio meant that the brothers fell off so rapidly in intellectual powers, that if there had been a fifth son, he would have been an ass. For **asinus** used colloquially just like our 'ass,' cp. Cic. ad Att. iv. 5. 3, 'Scio me asinum germanum fuisse.'

2. **pareret**: Roby, § 1530 (c).

3. **Arguta significatio est**: 'it is a clever way of giving a hint:' cp. ad Her. iv. 53. 67 'significatio est, quae plus in suspicione relinquit, quam posita est in oratione:' the Greek term is ἔμφασις, of course in a very different sense from our *emphasis*, though the dictionaries based on Freund have been misled into identifying them. Cp. Quint. ix. 2. 3 'prior desiderat illam plus quam dixeris significationem, id est ἔμφασιν.

4. **verbo,** 'by a single word.'

5. **C. Fabricio,** the famous opponent of Pyrrhus, a type of old Roman virtue.

P. Cornelius Rufinus, consul in B.C. 290, and again in 277. It is hard to see how the phrase 'bello magno et gravi,' and the reply of Fabricius suit either of these dates: in 290 the third Samnite war was practically over, and the Sabine war was of slight importance: in 277 Pyrrhus had already left Italy, and his allies ventured no battles in the field. It is possible, as Niebuhr suggests, that the story really referred to a dictatorship of Rufinus in 280. Cp. Niebuhr, iii. 421, 513; Arnold, ii. 378, 498, 514. Gellius (iv. 8), and Quintil. xii. 1. 43, tell the story without adding anything of importance.

7. **consulem fecisset,** 'had voted for him to be consul:' cp. pro Mur. 21. 45 'alium faciam, quoniam sibi hic ipse desperat' = I will vote for some one else: pro Planc. 9 'facit eos, a quibus est maxime ambitus.'

9. **vēnire**: the appointment of an incompetent general might have led to the capture of many of his men, who would have been sold as slaves.

Asello, § 258.

lustrum illud infelix: Scipio was censor in B.C. 142, with L. Mummius, the conqueror of Corinth: he was at variance with his colleague, but we do not know of any reason why the *lustrum* should be called 'unlucky.' Gellius quotes (iv. 17) from Lucilius:—

'Scipiadae magno improbus obiciebat Asellus,
Lustrum, illo censore, malum infelixque fuisse.'

10. **ex aerariis exemit.** Scipio had degraded Asellus to the rank of the *aerarii:* but both censors had to assent to any degradation (pro Cluent. 43. 122; Liv. xl. 51; xlii. 10; xliv. 16), and Mummius by refusing his assent, restored him to his original position.

11. **lustrum condidit,** 'closed the purification' by the sacrifice of the *suovetaurilia*: Liv. i. 44. Varro, L. L. vi. 87 'censores inter se sortiuntur uter lustrum faciat.' Scipio means 'he who restored you to your rank had to offer the purifying sacrifice, to purge the state from the taint which he thus brought upon it.' The bracketed words, in which the *ut*

Urbana etiam dissimulatio est, cum alia dicuntur ac sentias, **67**
non illo genere, de quo ante dixi, cum contraria dicas, ut La- **269**
miae Crassus, sed cum toto genere orationis severe ludas, cum aliter sentias ac loquare; ut noster Scaevola Septumuleio illi Anagnino, cui pro C. Gracchi capite erat aurum repensum, roganti, ut se in Asiam praefectum duceret 'quid tibi vis,' inquit 'insane? tanta malorum est multitudo civium, ut tibi ego hoc confirmem, si Romae manseris, te paucis annis ad maximas pecunias esse venturum.' In hoc genere Fannius in annalibus **270**
suis Africanum hunc Aemilianum dicit fuisse *egregium* et Graeco eum verbo appellat *εἴρωνα;* sed, uti ferunt, qui melius haec norunt, Socratem opinor in hac ironia dissimulantiaque longe

10. *egregium* KP : *facetum* S. *et Graeco eum* KP. *et eum Graeco* S.

is very doubtful Latin, are only a gloss to explain the point of the retort. The term **taurum** is here intended to include the whole of the sacrifice; 'et quod summatim dicebant tauros, idcirco etiam solitaurilia ipsa illa suovitaurilia appellare consuerunt' (Bücheler. Pop. Iguv. Lustr. Bonn, 1876).

1. **dissimulatio,** 'irony.'

3. **toto genere orationis,** 'by means of the whole style of the speech:' cp. Brut. 33. 126 (of C. Gracchus) 'grandis est verbis, sapiens sententiis, genere toto gravis.'

severe, 'gravely.'

4. **Septumuleio.** After the death of C. Gracchus, Septumuleius of Anagnia, though previously a friend of his, cut off his head and took it to Opimius in order to obtain the promised reward, viz. its weight in gold. He is said to have previously filled it with lead to increase the weight. Plut. C. Gracch. c. 17 (Vel. Max. ix. 4. 3). This happened in the year B.C. 121, in which Scaevola left for his province Asia (Introd. p. 21).

6. **quid tibi vis?** 'what are you thinking of?'

10. **fuisse egregium**: the MSS. have 'fuisse' alone, but this cannot be right: of the conjectures proposed Pid.'s *egregium,* adopted by Kayser, seems better than Sorof's *facetum,* or Bake's alteration of *fuisse* to *floruisse:* Ellendt's *multum fuisse* would rather indicate blame. Sorof quotes Brut. 85. 292, de Off. i. 30. 108 as passages where *ironia* is called *faceta*: but 'in hoc genere egregium' is also a common phrase, and quite as likely to have been corrupted before 'et eum,' if that be the true order, as Sorof's suggestion. Cicero speaks in the same way of Scipio and Socrates in Acad. ii. 5. 15; Brut. 87. 292.

11. **qui melius haec norunt.** Caesar like Antonius makes no pretence of being familiar with Greek literature.

12. **ironia**: Nägelsbach (p. 17) notices this as one of the very few instances of a Greek word, not commonly current, and not strictly poetical, used in the *De Oratore.* His other instances are *epilogus* (ii. 69. 278); *mysterium* (iii. 17. 64); *politici* (iii. 28. 109); *silva* for materies (iii. 30. 118); *scenam pompamque* (iii. 45. 177); of which the last two instances are doubtful. On the irony of Socrates cp. Grote vi. 137. Bp. Hampden (Fathers of Greek Philosophy, p. 421) writes 'A current of irony pervaded these experimental argumentations of Socrates. There was irony mingled with earnest conviction in that very disclaimer of all knowledge with which he set out. It was a mask, behind which he could hurl his weapons of assault on the boasted knowledge of others; whilst at the same time he expressed his serious view of the real ignorance of man, and the necessity of coming with a simple unprejudiced mind to the acquisition of truth. In the prosecution however of his method of analysis by interrogation, irony was indispensable for the success of his enquiry. For his object was to obtain the truth from the mouth of the person interrogated, not to state it himself: and when he did state it accordingly, it was necessary to put it in such a form as to try whether it was the opinion or not of that person—whether he really thought so, or adopted it on the judg-

lepore et humanitate omnibus praestitisse. Genus est perele-
gans et cum gravitate salsum cumque oratoriis dictionibus tum
271 urbanis sermonibus adcommodatum. Et hercule omnia haec,
quae a me de facetiis disputantur, non maiora forensium acti-
onum quam omnium sermonum condimenta sunt. Nam sicut
quod apud Catonem est—qui multa rettulit, ex quibus a me
exempli causa non nulla ponuntur—per mihi scitum videtur,
C. Publicium solitum dicere 'P. Mummium cuivis tempori homi-
nem esse,' sic profecto se res habet, nullum ut sit vitae tempus,
in quo non deceat leporem humanitatemque versari. Sed redeo
272 ad cetera. Est huic finitimum dissimulationi, cum honesto verbo
vitiosa res appellatur; ut cum Africanus censor tribu movebat
eum centurionem, qui in Pauli pugna non adfuerat, cum ille
se custodiae causa diceret in castris remansisse quaereretque,
cur ab eo notaretur, 'non amo' inquit 'nimium diligentis.'
273 Acutum etiam illud est, cum ex alterius oratione aliud excipias

7. *non nulla* PS: *complura* K cum Lagg. 2, 36.

ment of his questioner. An ironical statement answers this purpose. It conceals the teacher and enables him to judge, according as the hearer applies it, what the state of the hearer's mind is; and to argue the point in question, not on premises laid down by himself, but on the admissions of the other.' Cp. the whole passage.

3. **urbanis sermonibus**, 'to refined conversation:' i. e. to the talk of gentlemen.

6. **Catonem**: § 252.

7. **exempli causa**: not used in good Latin parenthetically, like our *e.g.*, but always with a finite verb.

per mihi scitum: i. 49. 214 (note).

8. **C. Publicium . . . P. Mummium**: not now to be identified.

cuivis tempori: the reading of the MSS. need not be altered with Lambinus, Ellendt, and Sorof to *cuiusvis temporis*: cp. Roby, § 1154.

9. **vitae tempus**, 'occasion in life,' i. e. position; hence *in quo*, not *quo*. Quint. vi. 3. 110 has 'de Pollione Asinio seriis iocisque pariter accommodato dictum est, esse eum omnium horarum.'

12. **tribu movebat.** The earlier editors discussed whether this meant *in aerarios*, or out of one of the country tribes into a less honourable place in one of the four town tribes; and instances were adduced in which *tribu movere* seemed to be used for either form of degradation: cp. Niebuhr, Hist. ii. 399. Liv. iv. 24. 7 'tribu moverunt octuplicatoque censu aerarium fecerunt;' xxiv. 43. 3 'tribu moverunt atque aerarium fecerant;' xliv. 16. 8; xlv. 25. 8: but on the other hand Liv. xlv. 15 'neque enim si tribu movere posset, quod sit nihil aliud quam mutare iubere tribum, ideo omnibus v et xxx tribubus emovere posse, id est civitatem libertatemque eripere.' But if we accept Mommsen's view, that after the censorship of Appius Claudius there was no class of citizens not included in the tribes, and that the contrast between the *aerarii* and the *tribules* ceased (Röm. Staatsr. ii. 375–6), the two meanings coincide.

13. **in Pauli pugna**: if this means the battle at Pydna, and we know of no other which can be meant, the punishment of the centurion was postponed for 26 years: for Paulus defeated Perseus at Pydna in 168, and Scipio was censor in 142. It must be remembered that Scipio had fought under his father at Pydna (Liv. xliv. 44), and had probably himself witnessed or heard at the time of the cowardice of this centurion. Aemilius Paulus was himself censor in B.C. 164.

15. **notaretur**, the technical expression for the censor's mark of disapproval, which involved *ignominia*.

16. **aliud atque**, 'something different from what.'

atque ille volt; ut Salinatori Maximus, cum Tarento amissó arcem tamen Livius retinuisset multaque ex ea proelia praeclara fecisset, cum aliquot post annos Maximus id oppidum recepisset rogaretque eum Salinator, ut meminisset opera sua se Tarentum recepisse, 'quidni' inquit 'meminerim? numquam enim recepissem, nisi tu perdidisses.' Sunt etiam illa subabsurda, sed eo 274
ipso nomine saepe ridicula, non solum mimis perapposita, sed etiam quodam modo nobis:

homo fatuus,
postquam rem habere coepit, est emortuus.

Et

quid est tibi ista mulier? uxor. Similis me dius fidius.

2. M. **Livius** Salinator, supposed by Cicero to have been in command of Tarentum, when Hannibal captured it by a stratagem in B.C. 212. (Arnold, Hist. iii. 211–218). For its citadel 'on a rocky knoll' exactly at the mouth of the harbour, ib. p. 213. The town was recovered by treachery in 209. But there is no doubt that both here and in de Sen. 4. 11, where the same story is told—'cum quidem me [Catone] audiente Salinatori, qui amisso oppido fugerat in arcem, glorianti atque ita dicenti, mea opera, Q. Fabi, Tarentum recepisti, certe, inquit ridens, nam nisi tu amisisses, numquam recepissem:'—Cicero has mistaken M. Livius Macatus for his better-known relative Salinator. Livy (xxvi. 39. 1) speaks of M. Livius as in command at Tarentum (in xxiv. 20. 13 the name is only restored by conjecture): similarly in xxvii. 25. 3 he says, 'Et de M. Livio, praefecto arcis Tarentinae, haud minore certamine actum est, aliis senatus consulto notantibus praefectum, quod eius socordia Tarentum proditum hosti est, aliis praemia decernentibus, quod per quinquennium arcem tutatus esset, maximeque unius eius opera receptum Tarentum foret, mediis ad censores, non ad senatum notionem de eo pertinere dicentibus: cuius sententiae et Fabius fuit: adiecit tamen fateri se opera Livi Tarentum receptum, quod amici eius vulgo in senatu iactassent, neque enim recipiundum fuisse, nisi amissum foret.' Of Salinator Livy says (xxvii. 34. 3) 'M. Livius erat multis annis ante ex consulatu populi iudicio damnatus, quam ignominiam adeo aegre tulerat, ut rus migraret et per multos annos et urbe et omni coetu careret hominum.' He had been consul in B.C. 219 and had gained a triumph over the Illyrians, but had afterwards been accused of dividing the spoil unfairly and had been fined. The censors of B.C. 210 had required him to return to public life; but he had never spoken in the senate 'donec cognati hominis eum causa Marci Livi Macati, cum fama eius ageretur, stantem cogit in senatu sententiam dicere.' Hence it is almost certain that it was Macatus who was the governor of Tarentum, and quite certain that it was not Salinator. For the striking circumstances under which the latter was again elected consul in B.C. 208 see the admirable narrative of Arnold, Hist. iii. 359–60.

5. **quidni meminerim?** 'of course I remember:' cp. Tusc. v. 5. 12 'quidni possim?' = 'of course I can.' *Quidni?* differs from *cur non?* in that the latter expects an answer, while the former does not. Cp. Kühner, ii. 995; Roby, § 1614.

6. **eo ipso nomine,** 'for that very reason:' cp. de Fin. ii. 7. 21 'qui, cum luxuriose viverent, a summo philosopho non reprehenderentur eo nomine dumtaxat, cetera caverent.'

10. **rem habere,** 'to be well to do.'

12. **Quid est,** etc.; best taken with Sorof as an iambic octonarian acatalectic.

me dius fidius, sc. 'adiuvet:' a colloquial form of asseveration; according to Mommsen (i. 174) an oath by the god of good faith, early identified with Hercules. Ovid (Fast. vi. 213) speaks of Fidius as the same as the Sabine Semo Sancus, who was rather a deified hero than a god, but was really identical with Hercules. Paul. ex Fest. p. 74, Müll. says 'Dius heroum aliquis ab Iove genus ducens,' but this seems based on the erroneous derivation of Aelius Stilo and others, which identified *fidius*

Et

quamdiu ad aquas fuit, numquam est emortuus.

68 Genus hoc levius et, ut dixi, mimicum, sed habet non numquam
aliquid etiam apud nos loci, ut vel non stultus quasi stulte cum
sale dicat aliquid: ut tibi, Antoni, Mancia, cum audisset te
censorem a M. Duronio de ambitu postulatum, 'aliquando'
275 inquit 'tibi tuum negotium agere licebit.' Valde haec ridentur
et hercule omnia, quae a prudentibus [quasi] per dissimulationem
[non intellegendi] subabsurde salseque dicuntur. Ex quo genere
est etiam non videri intellegere quod intellegas, ut Pontidius
'qualem existimas, qui in adulterio deprehenditur?' 'Tardum!'
ut ego, qui in dilectu Metello, cum excusationem oculorum a me
276 non acciperet et dixisset 'tu igitur nihil vides?' 'ego vero'

8. *quasi* incl. S. 12. *dilectu* KS cum codd. opt. *delectu* P.

with *filius*. (Cp. p. 147 'medius fidius compositum videtur et significare Iovis filius, id est Hercules, quod Iovem Graece Δία et nos Iovem, ac fidium pro filio, quod saepe antea pro L litera D utebantur).' Dionysius represents the name by Ζεὺς πίστιος. Cp. Preller, Röm. Myth. pp. 633–637. The editors have tried to torture some further meaning out of this absurd answer than that which lies on the surface: there is no need to find in it more than a joke παρὰ προσδοκίαν: 'Ah, I thought she was some relation: she is so like you!'

2. **Quamdiu**, etc.: apparently an iambic senarian with the first syllable omitted, and **fuit** pronounced as a monosyllable. Here the point of the joke seems to be that the man ought not to have left the baths, presuming that he was convalescent, for as long as he was there, he never died.

4. **apud nos**, sc. 'oratores.' **vel**, not 'even,' but with the anticipation of a second *vel*, which does not occur, the sentence passing into an anacoluthon, and the thought being continued by 'ex quo genere.'

5. **Mancia**, § 266: nothing else is known of him.

6. **Duronio**, § 257.

7. **tuum negotium agere licebit**: apparently in the sense in which the phrase is used in § 24, but really a taunt; 'you will have business of your own to attend to.'

8. **[quasi]** and **[non intellegendi]** have been rightly seen to be glosses, though Ellendt defends them. There is no difficulty about the *construction* of the latter phrase: cp. de Fin. ii. 32 'voluptas nihil dolendi,' and Reid on Acad. ii. 34. 111, 'probandi species.'

10. **Pontidius**, not otherwise known: some phrase like 'roganti . . . respondit' is understood. For **tardum** the interrogator expected something like 'scelestum.' Quint. vi. 3. 87 reproduces the same story, without the name.

12. **in dilectu**, for the war against Jugurtha. Cp. Sall. Jug. 43 '(Metellus) diffidens veteri exercitui, milites scribere, praesidia undique arcessere:' in B.C. 109. Ellendt, by a curious oversight supposes that this answer was given by Antonius! and hence argues at length that the Metellus could not have been M. Numidicus. Sorof gives B.C. 125 as the birth-year of Caesar: this seems a deduction from the fact that he was curule aedile in B.C. 90, but even so the deduction is not sound, for the normal age for an aedile was 37: and no citizen was liable for service until he was 17 years of age (Gell. x. 28): hence we must assume Caesar to have been born at the latest in B.C. 127. He stood for the consulship in B.C. 88, without having been praetor, and this violation of the *lex annalis* led to a violent and successful opposition to his election on the part of Sulpicius when tribune. (Mommsen, iii. 260; Ihne, R. G. v. 280.)

Metello, § 263.

inquam 'a porta Esquilina video villam tuam,' ut illud Nasicae,
qui cum ad poëtam Ennium venisset eique ab ostio quaerenti
Ennium ancilla dixisset domi non esse, Nasica sensit illam
domini iussu dixisse et illum intus esse; paucis post diebus cum
ad Nasicam venisset Ennius et eum a ianua quaereret, exclamat
Nasica se domi non esse, tum Ennius 'quid? ego non cognosco'
inquit 'vocem tuam?' hic Nasica 'homo es impudens: ego cum
te quaererem, ancillae tuae credidi te domi non esse, tu mihi
non credis ipsi?' Est bellum illud quoque, ex quo is, qui dixit, 277
inridetur in eo ipso genere, quo dixit; ut, cum Q. Opimius con-
sularis, qui adulescentulus male audisset, festivo homini Egilio,
qui videretur mollior nec esset, dixisset 'quid tu, Egilia mea?
quando ad me venis cum tua colu et lana?' 'Non pol' inquit
'audeo, nam me ad famosas vetuit mater accedere.' Salsa sunt **69**
etiam, quae habent suspicionem ridiculi absconditam, quo in 278
genere est Siculi illud, cui, cum familiaris quidam quereretur
quod diceret uxorem suam suspendisse se de ficu, 'amabo te,'
inquit 'da mihi ex ista arbore quos seram surculos.' In eodem
genere est, quod Catulus dixit cuidam oratori malo: qui cum
in epilogo misericordiam se movisse putaret, postquam adsedit,
rogavit hunc videreturne misericordiam movisse, 'ac magnam
quidem,' inquit 'neminem enim puto esse tam durum, cui non
oratio tua miseranda visa sit.' Me quidem hercule etiam illa 279

1. **villam tuam,** § 263.

Nasicae, probably the consul of B.C. 191 with M'. Acilius Glabrio.

2. **ab ostio,** 'at the door,' Roby § 1813. The *ostium* was practically identical with the *ianua;* but was not limited, as the latter was, to the main entrance (Becker, Gall.^{3} ii. 186). Hence our *usher,* through *huissier* from *ostiarius:* cp. Brachet, Et. Dict s. v. The *fores* formed the inner door of the vestibule. Cp. Plaut. Mil. with Tyrrell's note.

10. **inridetur in eo ipso genere, quo dixit,** 'gets tit for tat.'

Q. Opimius, consul in B.C. 154, father of the enemy of C. Gracchus. Nonius, p. 305, quotes the following lines of Lucilius:

'Quintus Opimius ille, Jugurthini pater huius
Et formosus homo fuit et famosus, utrumque
Primo adulescens, posterius dare rectius sese.'

11. **male audisset,** 'had a bad reputation' = κακῶς ἀκούειν: cp. Milton, Areop. p. 24 (Hales): 'What more nationall corruption, for which Britain hears ill abroad, then houshold gluttony' with the editor's note.

12. **Quid tu?** 'hark you.'

15. **suspicionem ridiculi absconditam:** 'the suggestion of a joke not on the surface,' with a kind of hypallage: cp. § 64 'sententiarum forensibus aculeis,' and i. 3. 11; 42. 199.

17. **quod diceret,** 'because, as he said:' Roby, § 1746.

amabo te, da mihi, 'I shall be much obliged if you will give me,' or 'pray do give me:' a use very common in Plautus and Terence, though in the latter without *te* (e. g. Eun. 130, 150, etc.): in Cicero only in the Epistles.

20 **in epilogo:** so Ar. Rhet. iii. 19 lays down as one of the four parts of the ἐπίλογος εἰς τὰ πάθη τὸν ἀκροατὴν καταστῆσαι. Cp. i. 53. 227 f. Quint. iv. 1. 28 'in ingressu parcius et modestius praetemptanda est iudicis misericordia; in epilogo vero licet totos effundere effectus.'

valde movent stomachosa et quasi submorosa ridicula, non cum a moroso dicuntur; tum enim non sal, sed natura ridetur; in quo, ut mihi videtur, persalsum illud est apud Novium

'quid ploras, pater?'

'mirum ni cantem: condemnatus sum.'

Huic generi quasi contrarium est ridiculi genus patientis ac lenti, ut, cum Cato percussus esset ab eo, qui arcam ferebat, cum ille diceret 'cave,' rogavit 'numquid aliud ferret praeter
280 arcam.' Est etiam stultitiae salsa reprehensio, ut ille Siculus, cui praetor Scipio patronum causae dabat hospitem suum, hominem nobilem, sed admodum stultum, 'quaeso,' inquit 'praetor, adversario meo da istum patronum, deinde mihi neminem dederis.' Movent illa etiam, quae coniectura explanantur longe aliter atque sunt, sed acute atque concinne; ut, cum Scaurus accusaret Rutilium ambitus, cum ipse consul esset factus, ille repulsam tulisset, et in eius tabulis ostenderet litteras

1. *cum non* KP: *non cum* codd. quod retinuit S.

1. **non cum,** 'but not when:' like *non ut* in i. 17. 75; 26. 109, etc. The adversative force arises from the omission after the parenthesis of the natural contrast.

2. **in quo,** 'in this respect:' § 101. **Novium,** § 255. The situation is unknown; hence the point is not fully apparent: **mirum ni cantem** = 'I wonder I am not singing.' The indicative is almost always used in this construction: cp. Roby, § 1757. Ramsay on Most. ii. 2. 62 lays it down that *mirum quin* is used to imply strong irony: *mirum ni* (with the indicative) to express real surprise or wonder: and confirms his view by a large collection of examples. I can quote no instance to the contrary except this, for in Plaut. Trin. 495 quoted by Pid. all good MSS. (including the Ambrosian) have *mirum quin*: see Ritschl and Brix ad loc. Sorof says 'not uncommon in the comic writers.' It is to be wished that he had given some instances of *mirum ni* with the subjunctive. Can *cantem* be a kind of jussive subjunctive? 'doubtless I ought to be singing.'

8. **numquid aliud**: cp. Dionys. Laert. vi. 41 (of Diogenes the Cynic) *πρὸς τὸν ἐντινάξαντα αὐτῷ τὴν δοκὸν εἶτα εἰπόντα φύλαξαι, πάλιν γάρ με ἔφη, παίειν μέλλεις*; The editors from Henrichsen downwards all borrow this quotation from Schütz; but not one of them has taken the trouble to verify it, or supply the reference!

10. **Scipio,** not to be identified: we do not know of any Scipio who was praetor in Sicily.

12. **neminem dederis** = 'ne quemquam dederis:' hence the perf. subj. Roby, § 1602: cp. Cicero, pro Mur. 31. 65 'nihil ignoveris: nihil omnino gratiae concesseris' I have not found any other instances of a *patronus* appointed by the presiding magistrate to conduct a case: but it is natural enough that such assistance should have been given to provincials ignorant of Roman law. A similar practice is common at our own assizes in criminal cases, where the prisoner is unable to procure counsel for himself.

15. **Scaurus,** § 197: cons. B.C. 107: **Rutilium,** i. 53. 227, 229: cons. B.C. 105: cp. Brut. 30. 113 'Rutilius autem in quodam tristi et severo genere dicendi versatus est. Erat uterque [Rutilius and Scaurus, for whose oratory cp. §§ 111, 112] natura vehemens et acer; itaque cum una consulatum petivissent, non ille solum, qui repulsam tulerat, accusavit ambitus designatum competitorem, sed Scaurus etiam absolutus Rutilium in iudicium vocavit.' Scaurus wished to explain an entry in the account-books of Rutilius, which were produced in court (§ 97, note), as meaning 'spent on the credit of P. Rutilius,' sug-

A. F. P. R. idque diceret esse, actum fide P. Rutilii; Rutilius
autem, ante factum, post relatum; C. Canius, eques Romanus,
cum Rufo adesset, exclamat, neutrum illis litteris declarari:
'quid ergo?' inquit Scaurus; 'Aemilius fecit, plectitur Rutilius.'
Ridentur etiam discrepantia: 'quid huic abest nisi res et virtus?' **70**
Bella etiam est familiaris reprehensio quasi errantis; ut cum **281**
obiurgavit Albium Granius, quod, cum eius tabulis quiddam
ab Albucio probatum videretur, [et] valde absoluto Scaevola
gauderet neque intellegeret contra suas tabulas esse iudicatum.
Huic similis est etiam admonitio in consilio dando familiaris, **282**
ut, cum patrono malo, cum vocem in dicendo obtudisset,
suadebat Granius, ut mulsum frigidum biberet, simulac domum
redisset, 'perdam' inquit 'vocem, si id fecero:' 'melius est'
inquit 'quam reum.' Bellum etiam est, cum quid cuique sit **283**
consentaneum dicitur; ut, cum Scaurus non nullam haberet

8. *ab* om. P cum Lagg. 2, 36. *et* non secluserunt KP.

gesting that it had been spent in bribery: Rutilius explained it as intended to remind him that it had been entered, some time after it had been paid; Canius, who was assisting Rutilius in his defence, gave a witty turn to the entry, by explaining 'Aemilius was guilty, and Rutilius is getting punished.'

5. **discrepantia**, instances in which a sudden turn is given to the thought, practically equivalent to jokes παρὰ προσδοκίαν. One would have expected a question like that in the text to end with the mention of something of slight importance, whereas 'res et virtus' comprise almost all external and personal advantages, 'property and merit.' Reid on p. Balb. § 9. Hence Quintil. vi. 3. 84 rightly quotes this as an instance 'decipiendi opinionem.'

7. **Albium Granius**: this is not only the reading of the best MSS. but the only one which suits the character of Granius as a wit. The old reading 'Albius Granium' is rejected by all editors since Ellendt. But none of the other suggested alterations of the text is needed. Albucius (iii. 43. 171) accused Scaevola *de repetundis* (Brut. 26. 102), and to establish his case called for the account-books of a certain Albius, a friend of Scaevola's. In spite of the evidence thus supplied, Scaevola was acquitted. Granius taunted Albius with having been delighted at the acquittal, and at the same time not having seen that a severe condemnation had been passed upon the accuracy of his own accounts. (It is not necessary with Ell. to suppose that they were judged to have been intentionally falsified.) For **et...neque** corresponding cp. Holden on de Off. iii. 25. 95; Roby, § 2241. Some MSS. give *Albucio*, which is wrong: *ab Albucio* we might perhaps translate 'in favour of A' (Roby, § 1813), but it is simpler to take it of the agent 'by.'

11. **vocem obtudisset**, 'had made his voice husky:' cp. Lucr. iv. 612 'et tamen ipsa quoque haec, dum transit clausa *domorum*, | vox optunditur, atque auris confusa penetrat | et sonitum potius quam verba audire videmur.' So Quint. xi. 3. 20 'fauces tumentes strangulant vocem, obtusae obscurant:' he treats of the management of the voice in §§ 14–29, and opposes *clara vox* to *obtusa*.

12 **mulsum**: cp. Mart. xiii. 108 'Mulsum . . . Attica nectareum turbatis mella Falernum;' Macrob vii. 12 'mulsum quod probe temperes, miscendum esse novo Hymettio et vetulo Falerno:' cp. Hor. Sat. ii. 4. 26. Hence it is not to be translated 'mead,' but 'a mixture of honey and wine.' Cp. Becker Gall.^{2} iii. 311.

15. **consentaneum**, 'corresponding to the character.' Of Pompeius Phrygio nothing is known: *phrygio* is an 'embroiderer in gold:' the name is doubtless derived from the Phrygians, who were famous in this art: but the passage from

invidiam ex eo, quod Phrygionis Pompeii, locupletis hominis, bona sine testamento possederat, sederetque advocatus reo Bestiae, cum funus quoddam duceretur, accusator C. Memmius 'vide,' inquit 'Scaure, mortuus rapitur, si potes esse possessor.'

284 Sed ex his omnibus nihil magis ridetur, quam quod est praeter exspectationem, cuius innumerabilia sunt exempla, vel Appii maioris illius, qui in senatu, cum ageretur de agris publicis et de lege Thoria et premeretur Lucilius ab eis, qui a pecore eius

6. *vel* KP. *ut* conj. S.

Nonius, quoted as an authority for this, is simply due to a conjecture of Roth. Cp. Quicherat's note on Non. p. 3. If Phrygio has here passed into a cognomen, as all the editors seem to assume, we have another instance of the transposition (very unusual at this time) noted on § 253. The circumstances of Scaurus' action are unknown. But the law before the time of Hadrian allowed any citizen to acquire a good title in a year's time to the property of a deceased person in the citizen's possession, of which the lawful heir had not taken possession (Gaius ii. 52-58). Some such possession, called by Gaius *improba possessio*, may have taken place here. There seems little likelihood of any right on the part of one of the Aemilii to the property of a member of the Pompeian *gens*. [H. J. R.] Sallust speaks of Scaurus (Jug. xv. 4) as 'avidus potentiae, honoris, divitiarum.'

3. **Bestia** was prosecuted by C. Memmius under the *lex Mamilia* for his corrupt action in making peace with Jugurtha (Sall. Jug. 40). An extraordinary commission of three (*quaesitores*) had been appointed to investigate the circumstances of this peace, and Scaurus, the leader of the nobles at this time, and one of the most guilty of them all, succeeded, according to Sallust, in getting himself appointed one of the commissioners. (Cp. Mommsen, iii. 152.) Henrichsen has seen, what subsequent editors have ignored, that this explicit statement of Sallust's is quite irreconcileable with Cicero's story in the text: he prefers to accept the latter. Mommsen and Ihne (v. 134) do not notice the discrepancy, but follow Sallust.

4. **rapitur,** 'is being hurried to the grave,' that the property might the sooner fall into the hands of the heirs.

si potes may perhaps be dependent upon *vide*, as Sorof takes it: for this construction, though probably never found in Cicero's own language, is common enough in Plautus and Terence (cp. Roby, § 1755): but with the intervening words 'mortuus rapitur,' it is better to regard it as a loosely appended direct clause: 'if only you can get possession of his property:' i.e. 'perhaps you will be able to,' etc. Cp. Kühner, ii. 996.

6. **Appii maioris illius**: this cannot have been Appius Claudius (praetor B.C. 89), the father of Appius Claudius (consul B.C. 54), and of P. Clodius the enemy of Cicero: but was more probably their grandfather (No. 29 in Dict. Biog.). See note on 60. 246.

8. **lege Thoria**: cp. Mommsen, iii. 134. Cicero says (Brut. 36. 136) 'Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit:' this language is very ambiguous, and would probably convey a meaning exactly opposite to the facts of the case, if we had not Appian (B. C. i. 27) to guide us to the true interpretation. It means, according to Mommsen, 'who freed the public land from the effects of an injurious law, informally passed, by imposing a fixed rent.' The land was no longer to be divided into freeholds, and distributed among the people, but the occupiers were to pay a fixed rent, which went to defray the expense of the free corn-distribution at Rome. The fragments of the *lex agraria*, long known under the name of the *lex Thoria*, belong in Mommsen's judgment to the subsequent law of B.C. 111. Cp. Corp. Inscr. Lat. i. pp. 75-86, or Bruns, Fontes[5], pp. 64-79. Ihne however still holds to the earlier view, and maintains (v. 113) that the *vitiosa et inutilis lex* of Cicero is the one still extant in part, and that this is the lex Thoria. It is noteworthy that Appian speaks of the proposer of the law of 119 as Σπούριος

depasci agros publicos dicerent, 'non est' inquit 'Lucilii pecus illud; erratis;'—defendere Lucilium videbatur—'ego liberum
puto esse: qua libet pascitur.' Placet etiam mihi illud Scipionis 285
illius, qui Ti. Gracchum perculit: cum ei M. Flaccus multis probris obiectis P. Mucium iudicem tulisset; 'eiero,' inquit 'iniquus est;' cum esset admurmuratum, 'ah,' inquit 'P. C., non ego mihi illum iniquum eiero, verum omnibus.' Ab hoc vero Crasso nihil facetius: cum laesisset testis Silus Pisonem, quod se in eum audisse dixisset, 'potest fieri,' inquit 'Sile, ut is, unde te audisse dicis, iratus dixerit.' Adnuit Silus. 'Potest etiam, ut tu non recte intellexeris.' Id quoque toto capite adnuit, ut se Crasso daret. 'Potest etiam fieri,' inquit 'ut omnino, quod te audisse dicis, numquam audieris.' Hoc ita praeter exspectationem accidit, ut testem omnium risus obrueret. Huius generis est plenus Novius, cuius iocus est familiaris 'sapiens si algebis,

15. *cuius* S. *et* codd. KP.

Βόριος: and certainly the law of 111 regulated the right of pasturage, while we have no evidence that it was mentioned in the earlier law.

Lucilius: if this is the correct reading, we need not hesitate to identify him with the poet, who was a man of wealth (Juv. Sat. i. 20), if we accept Mr. Munro's date for his birth (cp note on § 25). But many MSS. (A and b are deficient) have Lucullus, which Pearce has edited: then it might be the father of the famous Lucullus, who was notorious for his avarice (Plut. Lucull. ad init).

2. **liberum . . . libet**: in spite of the difference of quantity we may admit a play upon the two words. Cp. ad Att. i. 16. 5 'quos fames magis quam fama commoverit.'

3. **Scipionis.** Nasica Serapio, consul in B.C. 138. In B.C. 133 'consulem (P. Mucium) languentem reliquit, et ipse privatus, ut si consul esset, qui rem publicam salvam esse vellet, se sequi iussit' (Tusc. iv. 23. 51); Mommsen, iii. 94. He was attacked by M. Fulvius Flaccus for the murder of Ti. Gracchus, and found it expedient to accept an embassy to Asia, where he died not long after (Cic. pro Flacc. 31. 75). Flaccus was a warm supporter not only of Tiberius, but also of Gaius Gracchus, and shared the fate of the latter (Mommsen, iii. 101, 106, 128).

5. **iudicem tulisset,** § 263: it is evident from the vocative 'patres conscripti' that this did not happen on the occasion of a formal trial: but Flaccus after much fierce invective in the senate, called upon Scipio to accept the judgment of the consul as to his deed.

6. **non mihi . . . verum omnibus**: the old interpretation, given by Schuetz, that Mucius is represented as too severe to every one, will not do, because Scipio is accusing him of undue laxity and inertness. It means rather he is unfair to the general welfare of the state.

7. **eiero**: 'I challenge him on oath:' cp. Phil. xii. 7. 18, where similarly *eierabant* is used in an applied sense; 'they challenged my appointment:' in Verr. iii. 60. 137 it is used with *forum*.

Ab hoc, 'on this side;' i.e. in this respect.

8. **Silus,** perhaps. M. Sergius Orator Silus, a quaestor in B C. 105. Piso cannot be identified.

in eum audisse, 'had heard something against him.'

9. **unde**: Roby, § 1263.

11. **se daret**: § 187.

15. **Novius,** § 255. **cuius**: Sorof's happy correction for *et*, which is omitted in some MSS., and seems to have been inserted only to fill up the gap, after *cuius* had dropped out after *Novius*.

sapiens, 'if a sage like you is cold, —he will shiver' like other men: perhaps directed against a Stoic proud of his impassiveness.

71 tremes' et alia permulta. Saepe etiam facete concedas adver-
286 sario id ipsum, quod tibi ille detrahit; ut C. Laelius, cum ei
quidam malo genere natus diceret, indignum esse suis maioribus,
'at hercule' inquit 'tu tuis dignus.' Saepe etiam sententiose
ridicula dicuntur, ut M. Cincius, quo die legem de donis et
muneribus tulit, cum C. Cento prodisset et satis contumeliose
'quid fers, Cinciole?' quaesisset, 'ut emas,' inquit 'Gai, si uti
287 velis.' Saepe etiam salse, quae fieri non possunt, optantur; ut
M. Lepidus, cum, ceteris in campo exercentibus, in herba ipse
recubuisset, 'vellem hoc esset,' inquit 'laborare.' Salsum est
etiam quaerentibus et quasi percontantibus lente respondere
quod nolint; ut censor Lepidus, cum M. Antistio Pyrgensi
equum ademisset amicique cum vociferarentur et quaererent,
quid ille patri suo responderet, cur ademptum sibi equum diceret,
cum optimus colonus, parcissimus, modestissimus, frugalissimus
288 esset, 'me istorum' inquit 'nihil credere.' Conliguntur a Graecis

1. **concedas**: the so-called potential use: Roby, § 1536 (cp. § 1544).

2. **C. Laelius**, § 154: i. 48. 211, etc. He was famous for his *hilaritas* (de Off. i. 30. 108): Seneca, Nat. Quaest. vi. 32 quotes another of his sayings. The Laelii were not wealthy (cp. Orat. 71. 232 'neque me divitiae movent, quibus omnes Africanos et Laelios multi venalicii mercatoresque superarunt'); if, as is probable, the friend of the younger Scipio is meant here, the father was consul B.C. 190, but no more remote ancestor attained that office.

4. **sententiose**: quite our 'sententiously;' in a terse sentence full of pith.

5. **M. Cincius** brought forward in B.C. 204 a law *de donis et muneribus*, supported by Q. Fabius Maximus (de Sen. 4. 10). Its object was to prevent clients and others becoming impoverished by having to make presents to their patrons or other superiors (Liv. xxxiv. 4. 9). The law prescribed no penalty for breach, but left every gift of an immoderate amount (what amount is not known) without legal protection, except gifts between near relations by blood or marriage, and a few others. A gift fully executed could not however be recalled. The law is most frequently mentioned in connexion with the payment of advocates: 'qua cavetur antiquitus ne quis ob causam orandam pecuniam donumve accipiat' (Tac. Ann. xi. 5). Our principal, though meagre, source of information is the Vatican Fragments (Huschke's Jurisp. Antejust. p. 770 ff.) See also Puchta's Cursus, § 206. Keller, Pandekten, ii. p. 576 [H. J. R.] Cp. Mommsen, Rom. Forsch. i. 367; Bruns, Fontes p. 41.

7. **quid fers?** 'what are you offering?' an expression used to those who were offering goods for sale; hence somewhat contemptuous in itself, an effect heightened by the diminutive, and doubtless also by the manner. The use of the praenomen in the reply 'that you should pay for what you want,' shows a familiarity, which might under other circumstances have been complimentary, but is here, of course, slighting. Cp. Hor. Sat. ii. 5. 32; 6. 37.

9. **M. Lepidus**, probably Porcina, consul in B.C. 137: cp. i 10. 40. The **censor Lepidus** (consul B.C. 187, censor B.C. 179) seems to be intentionally distinguished from him.

exercentibus, sc. se: cp. de Fin. i. 20. 69 'exercendi aut venandi consuetudines adamare solemus' with Madvig's note.

11. **percontantibus**: stronger than **quaerentibus**: cp. note on i 21. 97.

12. **Pyrgensi**, from Pyrgi in Etruria.

14. **cur . . . diceret**, a compressed expression for 'quid diceret cur equus ademptus esset,' which we may retain without greater looseness in English, 'why he should say his horse had been taken away.'

16. **nihil credere**: for *credo* = 'accept

alia non nulla, exsecrationes, admirationes, minationes, sed haec
ipsa nimis mihi videor in multa genera discripsisse; nam illa,
quae verbi ratione et vi continentur, certa fere ac definita sunt;
quae plerumque, ut ante dixi, laudari magis quam rideri solent;
haec autem, quae sunt in re et ipsa sententia, partibus sunt innu- 289
merabilia, generibus pauca; exspectationibus enim decipiendis et
naturis aliorum inridendis [ipsorum ridicule indicandis et] simili-
tudine turpioris et dissimulatione et subabsurda dicendo et stulta
reprehendendo risus moventur, itaque imbuendus est is, qui
iocose volet dicere, quasi natura quadam apta ad haec genera et
moribus, ut ad cuiusque modi genus ridiculi voltus etiam adcom-
modetur; qui quidem quo severior est et tristior, ut in te,
Crasse, hoc illa, quae dicuntur, salsiora videri solent. Sed iam 290
tu, Antoni, qui hoc deversorio sermonis mei libenter acquietu-
rum te esse dixisti, tamquam in Pomptinum deverteris, neque
amoenum neque salubrem locum, censeo, ut satis diu te putes
requiesse et iter reliquum conficere pergas.'

'Ego vero, atque hilare quidem a te acceptus,' inquit 'et cum

18. *et* om. P.

as true' with acc. (only with neuter adjectives and pronouns): cp de Div. ii. 13. 31 'sed credere omnia vide ne non sit necesse,' ib. 41. 86, etc. There is an excellent note on the uses of *credo* in Seyffert's Laelius,[2] p. 173.

1. **exsecrationes**, etc., 'instances of execration, astonishment, and threatening,' of course humorously exaggerated.

2. **nimis** with **in multa**: cp. iii. 13. 51 'quoniam haec satis spero vobis quidem certe maioribus molesta et putida videri.' Sorof points out that this is especially common with *eo, quo, multo, paulo*, with comparatives, and with *quam* in indirect sentences.

discripsisse, § 142.

3. **verbi ratione et vi**, 'meaning and force of a word.'

4. **ante**, § 254.

5. **partibus . . . generibus**, i. 42. 189.

7. **[ipsorum ridicule indicandis]** cannot be genuine: there is nothing corresponding to it, as there is to all the other clauses. in the foregoing discussion: in the best MSS. there is a corrupt reading *irriden le iudicandis*, which points to the loss of some words, hence Sorof's conjecture 'irridendis vitiisque eorum ridicule iudicandis' is by no means improbable.

9. **imbuendus**: here in a more general meaning than usual, 'furnished with.' Ell. interprets *imbui* as 'assuescere multum tractando:' but this is not the meaning of the word: it is most exactly used of staining and wetting for the first time: cp. § 162, note.

14. **deversorio**, a better established form than *div-*, though the latter is given by all MSS. here, according to Ellendt: cp. Munro's Horace, Ep. i. 15. 10 and Keller's Epilegomena ad loc.; Bücheler, Jahrb. f. Phil. lxxxvii. 782.

sermonis mei, a genitive of definition: Roby, § 1302.

15. **in Pomptinum**: the Appian road ran through the Pomptine marshes: the way-side inns would be neither agreeable nor wholesome resting-places. The Roman inns were generally bad. Friedländer Sittengesch. ii. 19 ff. The sentence is loosely constructed, the *tu* being anticipatory, rather than strictly connected with any following clause.

deverteris (MSS. 'diverteris'): perf. subj. act.; not deponent.

16. **censeo ut**: Madvig, § 396, obs. 4, gives the various constructions of *censeo*.

18. **Ego vero**, 'to be sure I will.' Tusc. i. 49. 119 'Habes epilogum ne quid praetermissum aut relictum putes. Ego

doctior per te, tum etiam audacior factus iam ad iocandum; non
enim vereor ne quis me in isto genere leviorem iam putet, quoniam
quidem tu Fabricios mihi auctores et Africanos, Maximos, Ca-
291 tones, Lepidos protulisti. Sed habetis ea, quae voltis ex me
audire, de quibus quidem adcuratius dicendum et cogitandum
fuit; nam cetera faciliora sunt atque ex eis, quae dicta sunt,
72 reliqua nascuntur omnia. Ego enim cum ad causam sum adgres-
sus atque omnia cogitando, quoad facere potui, persecutus, cum
et argumenta causae et eos locos, quibus animi iudicum concili-
antur, et illos, quibus permoventur, vidi atque cognovi, tum con-
stituo quid habeat causa quaeque boni, quid mali; nulla enim
fere potest res in dicendi disceptationem aut controversiam
vocari, quae non habeat utrumque, sed, quantum habeat, id
292 refert; mea autem ratio haec esse in dicendo solet, ut, boni quod
habeat, id amplectar, exornem, exaggerem, ibi commorer, ibi
habitem, ibi haeream; a malo autem vitioque causae ita recedam,
non ut id me fugere appareat, sed ut totum bono illo ornando et
augendo dissimulatum obruatur; et, si causa est in argumentis,
firmissima quaeque maxime tueor, sive plura sunt sive aliquod
unum; sin autem in conciliatione aut in permotione causa est,
ad eam me potissimum partem, quae maxime movere animos
293 hominum potest, confero. Summa denique huius generis haec
est, ut si in refellendo adversario firmior esse oratio quam in con-

1. *iam* Abγ KS. *sum* P. 4. *voltis* K cum codd. mut.: *voluistis* PS. 21. *movere* K cum codd. mut. *commovere* PS.

vero: et quidem fecit etiam iste me epilogus firmiorem.' Brut. 5. 21 'Ego vero, inquam, si potuero, faciam vobis satis.' Nägelsb. Stil. p. 548.

2. **quoniam quidem** = ἐπειδήπερ, § 122; Roby, § 1747; Kühner on Tusc. iii. 27. 66. It often takes the place of *quando quidem*, which is less common in Cicero: but cp. iii. 14. 54.

3. **Fabricios**: cp. i. § 210 (note).

5. **de quibus quidem**: Roby, § 1693.

cc. 72-75, §§ 291-306. *Antonius, in resuming his exposition of* inventio *from* § 216, *states that he first considers the strong points of his own case and of his opponent's, sometimes not replying at all to the latter, and taking especial pains not to damage his own case. The danger of the latter is discussed and exemplified.*

8. **cum . . . cognovi**, explanatory of the clause *cum . . . persecutus.*

12. **disceptationem**, 'discussion:' §§ 78, 113. **dicendi** is an explanatory genitive, defining the nature of the *disceptatio* here mentioned.

16. **habitem**: i. 62. 264. **haeream**: i. 38. 173.

18. **dissimulatum**, 'disguised.' **obruatur**: Or. part. 5. 15 'firmamenta ad fidem posita aut per se diluenda aut obscuranda aut digressionibus obruenda,' i. e. must be caused to be forgotten.

in argumentis, 'are turning on arguments.'

21. **movere**, 'affect,' either by winning or by exciting emotion.

22. **Summa huius generis**, 'my proceeding as a rule in cases of this kind.'

denique, here 'in short,' summing up what has to be said about *bona* and *vitia*: hence the position of *denique* as second word in the sentence, not first. The second *denique* brings to a conclusion what has to be said about *inventio* generally.

firmandis nostris rebus potest, omnia in illum tela conferam; sin
nostra probari facilius, quam illa redargui possunt, abducere
animos a contraria defensione et ad nostram conor deducere.
Duo denique illa, quae facillima videntur, quoniam quae diffi- 294
ciliora sunt, non possum, mihi pro meo iure sumo: unum, ut
molesto aut difficili argumento aut loco non numquam omnino
nihil respondeam, quod forsitan aliquis iure inriserit; quis enim
est, qui id facere non possit? Sed tamen ego de mea nunc, non
de aliorum facultate disputo confiteorque me, si quae premat res
vehementius, ita cedere solere, ut non modo non abiecto, sed ne
reiecto quidem scuto fugere videar, sed adhibere quandam in
dicendo speciem atque pompam et pugnae similem fugam; con-
sistere vero in meo praesidio sic, ut non fugiendi hostis, sed capi-
endi loci causa cessisse videar; alterum est illud, quod ego maxime 295
oratori cavendum et providendum puto quodque me sollicitare
summe solet: non tam ut prosim causis, elaborare soleo, quam
ut ne quid obsim; non quin enitendum sit in utroque, sed tamen
multo est turpius oratori nocuisse videri causae quam non pro-
fuisse. Sed quid hoc loco vos inter vos, Catule? an haec, ut sunt **73**
contemnenda, contemnitis?' 'minime,' inquit ille 'sed Caesar de
isto ipso quiddam velle dicere videbatur.' 'Me vero libente'
inquit Antonius 'dixerit sive refellendi causa sive quaerendi.'
Tum Iulius 'ego mehercule,' inquit 'Antoni, semper is fui, qui 296

3. *deducere* K cum codd. mut. *traducere* PS. 9. *quae* Abγ, etc. S. *qua* KP.

2. **illa**: 'the arguments of my opponent.'

5. **pro meo iure**, 'as though fully entitled to do so:' cp. 'suo iure' (as Ell. reads) in i. 10. 42; de Fin. v. 2. 4.

6. **loco**, 'line of defence (or attack).'

7. **irriserit**: perf. subj. Roby, § 1766: cp. de Off. iii. 6. 29 'forsitan quispiam dixerit:' on the other hand in § 99 'riserit fortasse aliquis,' we have the fut. perf. ind. Cp. Roby, vol. ii. p. civ–cvi.

10. **cedere**: Tac. Germ. 6 'cedere loco, dummodo rursus instes, consilii quam formidinis arbitrantur.'

abiecto . . . . reiecto. To throw away the shield altogether was a mark of great cowardice: hence ῥίψασπις is a common term of abuse in Aristophanes: cp. also the commentators on Hor. Od. ii. 7. 10 'relicta non bene parmula,' and Tac. Germ. 6 'scutum reliquisse praecipuum flagitium.' In a retreat the shield would be slung behind, so as to cover the back, and protect it from the pursuers' missiles. Hence *scutum reicere* = *terga vertere*.

12. **speciem**, 'display:' **pompam**, § 94. **alterum est** after *unum* (acc.) with an asyndeton very common in Cicero; § 116, **consistere** 'to take up any position,' continuing the military metaphor.

17. **non quin**: Roby, § 1744. Cp. Ep. Fam. iv. 7. 1 'Etsi eo te adhuc consilio usum intellego, ut id reprehendere non audeam, non quin ab eo ipse dissentiam, sed quod ea te sapientia esse iudicem, ut meum consilium non anteponam tuo,' etc. Instead of continuing here with *sed quod*, Cicero goes off into an independent sentence: cp. 'conor' in § 293, and note on § 4.

22. **dixerit**: fut. perf. ind. Roby, § 1485 (a). **is fui qui**: a periphrastic expression to give prominence to the predicate: cp. exx. in Kühner, ii. 855.

de te oratore sic praedicarem, unum te in dicendo mihi videri tec-
tissimum propriumque hoc esse laudis tuae nihil a te umquam esse
dictum, quod obesset ei, pro quo diceres; idque memoria teneo,
cum mihi sermo cum hoc Crasso, multis audientibus, esset institu-
tus Crassusque plurimis verbis eloquentiam laudaret tuam, dixisse
me cum ceteris tuis laudibus hanc esse vel maximam quod non
solum quod opus esset diceres, sed etiam quod non opus esset non
297 diceres; tum illum mihi respondere memini, cetera in te summe
esse laudanda, illud vero improbi esse hominis et perfidiosi,
dicere quod alienum esset et noceret ei, pro quo quisque diceret;
qua re non sibi eum disertum, qui id non faceret, videri, sed im-
probum, qui faceret. Nunc, si tibi videtur, Antoni, demonstres
velim, qua re tu hoc ita magnum putes nihil in causa mali
74 facere, ut nihil tibi in oratore maius esse videatur.' 'Dicam
298 equidem, Caesar,' inquit 'quid intellegam,' 'sed et tu et vos hoc
omnes, inquit, mementote, non me de perfecti oratoris divinitate
quadam loqui, sed de exercitationis et consuetudinis meae me-
diocritate. Crassi quidem responsum excellentis cuiusdam est
ingenii ac singularis; cui quidem portenti simile esse visum est
posse aliquem inveniri oratorem, qui aliquid mali faceret dicendo
obessetque ei, quem defenderet; facit enim de se coniecturam;
299 cuius tanta vis ingenii est, ut neminem nisi consulto putet, quod
contra se ipsum sit, dicere; [sed ego non de praestanti quadam
et eximia, sed prope de volgari et communi prudentia disputo.]
Ut apud Graecos fertur incredibili quadam magnitudine consilii
atque ingenii Atheniensis ille fuisse Themistocles; ad quem
quidam doctus homo atque in primis eruditus accessisse dicitur

23. *sed ego . . . disputo* incl. Bake KS; tuetur P. *proprie . . lingua disputabam* codd. opt.

1. **tectissimum,** 'most guarded,' perhaps originally applied to soldiers completely covered by their shields.

6. **cum ceteris tuis laudibus,** 'among your other distinctions,' not a very common form of expression.

15. **quid intellegam,** 'what my view is:' cp. i. 47. 206 (note).

18. **excellentis cuiusdam**: i. 4. 14 (note).

21. **de se,** 'judging from himself.'

23. **[sed ego . . . disputo].** The great variety of readings in the MSS. here, and the striking fact that all the better MSS. give *proprie* and *disputabam*, while the later ones show different attempts to correct the awkward phrase, point clearly to the view of Bake, Kayser, and Sorof, that the whole clause is an interpolation.

27. **quidam doctus homo,** sc. Simonides: cp. § 351; Acad. ii. 1. 2 'quam (memoriam) fuisse in Themistocle, quem facile Graeciae principem ponimus. singularem ferunt: qui quidem etiam pollicenti cuidam, se artem ei memoriae quae tum primum proferebatur traditurum, respondisse dicitur oblivisci se malle discere, credo, quod haerebant in memoria quaecunque audierat et viderat:' de Fin. ii. 32. 104 'Themistocles quidem, cum ei Simonides an quis alius artem memoriae

eique artem memoriae, quae tum primum proferebatur, pollicitus
esse se traditurum; cum ille quaesisset quidnam illa ars efficere
posset, dixisse illum doctorem, ut omnia meminisset; et ei
Themistoclem respondisse gratius sibi illum esse facturum, si se
oblivisci quae vellet quam si meminisse docuisset. Videsne quae 300
vis in homine acerrimi ingenii, quam potens et quanta mens
fuerit? Qui ita responderit, ut intellegere possemus nihil ex
illius animo, quod semel esset infusum, umquam effluere potuisse;
cum quidem ei fuerit optabilius oblivisci posse potius
quod meminisse nollet quam quod semel audisset vidissetve
meminisse. Sed neque propter hoc Themistocli responsum memoriae
nobis opera danda non est neque illa mea cautio et timiditas
in causis propter praestantem prudentiam Crassi neglegenda
est; uterque enim istorum non mihi attulit aliquam, sed suam
significavit facultatem. Etenim permulta sunt in causis in omni 301
parte orationis circumspicienda, ne quid offendas, ne quo inruas:
saepe aliquis testis aut non laedit aut minus laedit, nisi lacessatur;
orat reus, urgent advocati, ut invehamur, ut male dicamus,
denique ut interrogemus: non moveor, non obtempero, non satisfacio;
neque tamen ullam adsequor laudem; homines enim
imperiti facilius quod stulte dixeris reprehendere quam quod
sapienter tacueris laudare possunt. Hic quantum fit mali, si 302
iratum, si non stultum, si non levem testem laeseris! Habet
enim et voluntatem nocendi in iracundia et vim in ingenio et
pondus in vita; nec, si hoc Crassus non committit, ideo non

3. *et ei* incl. K. 6. *quanta mens* KS cum codd.: *quam vehemens* P. 7. *possimus* KPS.

polliceretur, oblivionis, inquit, mallem: nam memini etiam quae nolo, oblivisci non possum quae volo.'

5. **Videsne**: § 157 (note).

6. **quam potens** with *mens*, not (as Pid.) with *vis*.

7. **possemus**; occasioned by the preceding perfect with the force of an aorist: *possimus* is found only in 3 inferior MSS. Ellendt says he would have preferred the present if it had more authority in its favour: but cp. above, § 8, and Kühner's note on Tusc. i. 4. 7 'in quam exercitationem ita nos studiose dedimus, ut iam etiam scholas Graecorum more habere auderemus.'

9. **potius**, redundant after the comparative. It goes more closely with *oblivisci*, than with *optabilius*.

11. **Themistocli**: cp. note on *Demostheni*, i. 19. 88.

16. **ne quid offendas**, 'that you may not make any slip:' *quid* is adverbial (Roby, § 1094): *offendas* intrans.

ne quo irruas, 'that you may not run your head against anything;' a stronger expression than *offendas*.

18. **advocati**, 'supporters:' § 283 (note).

25. **ideo**, 'does it follow that:' § 37 'eo:' pro Cael. 9. 21 'vestrae sapientiae est, iudices, non, si causa iusta est viris fortibus oppugnandi M. Caelium, ideo vobis quoque vos causam putare esse iustam.'

multi et saepe committunt; quo quidem mihi turpius videri nihil
solet, quam cum ex oratoris dicto aliquo aut responso aut
rogato sermo ille sequitur: 'occidit.' 'Adversariumne?' 'Immo
75 vero' aiunt 'se et eum, quem defendit.' Hoc Crassus non putat
303 nisi perfidia accidere posse; ego autem saepissime video in causis
aliquid mali facere homines minime malos. Quid, illud, quod
supra dixi, solere me cedere et, ut planius dicam, fugere ea, quae
valde causam meam premerent, cum id non faciunt alii versan-
turque in hostium castris ac sua praesidia dimittunt, mediocri-
terne causis nocent, cum aut adversariorum adiumenta confirmant
304 aut ea, quae sanare nequeunt, exulcerant? Quid, cum perso-
narum, quas defendunt, rationem non habent, si, quae sunt in eis
invidiosa, non mitigant extenuando, sed laudando et efferendo
invidiosiora faciunt, quantum est in eo tandem mali? Quid, si
in homines caros iudicibusque iucundos sine ulla praemunitione
orationis acerbius et contumeliosius invehare, nonne a te iudices
305 abalienes? Quid, si, quae vitia aut incommoda sunt in aliquo
iudice uno aut pluribus, ea tu in adversariis exprobrando non in-
tellegas te in iudices invehi, mediocre*ne* peccatum est? Quid, si,
cum pro altero dicas, litem tuam facias aut laesus efferare ira-

3. *rogato* KS. post Madvigium: *rogatu* P cum codd. plerisque. 18. *in* PS cum codd. om. K.

1. **quo quidem . . . quam**: cp. § 38 (note).

3. **rogato**: for the more usual *rogatu*, for the sake of conformity with the preceding participles (Roby, § 1406).

4. **aiunt**, rarely used parenthetically without *ut*: in Or. 11. 36 'Ennio delector, ait quispiam, quod non discedit a communi more verborum: Pacuvio, inquit alius,' etc., it is doubtless employed to avoid the repetition of *inquit*. The only other instance quoted from Cicero by Kühner (ii. 1025) is ad Fam. ii. 10. 2. It is more common in the poets.

6. **Quid? illud quod**, etc.: *illud* is simply anticipatory of the *id*, which is the object of *faciunt*. For *quid* introducing a lively rhetorical question cp. i. §§ 37, 39. The sentence is best broken up into two for translation: 'I said just now that I was wont to give way, and to speak more plainly, to run away from points which told heavily against my case: well! when others do not do this, and take up a position in the stronghold of the enemy, and disband their own forces,' etc.

12. **quae sunt in eis invidiosa**, 'any unpopular features.'

15. **caros**: § 237.

17. **incommoda**, 'defects.'

18. **exprobrando non intellegas**: Roby, § 1384. We should more naturally make the former the main verb: 'you taunt your opponents with these, without seeing that,' etc.; more literally 'while making these a matter of reproach in the case of your opponents.' The dative is more common after *exprobrare*: but cp. Or. 8. 26 'in hoc ipso . . . reprehendit Aeschines quaedam.' There does not seem to be sufficient reason for rejecting *in*, as has been done by many editors since Lambinus.

19 **mediocre*ne***: I have admitted the *-ne*, first added by Sorof, not as being indispensable, but as keeping up better the parallelism of the various clauses.

20. **cum dicas**: the subj. is only due to the attraction of the subj. *facias*: otherwise we should have had the indic. as above.

litem tuam facias, 'you make the quarrel your own.'

cundia, causam relinquas, nihilne noceas?—in quo ego, non quo
libenter male audiam, sed quia causam non libenter relinquo,
nimium patiens et lentus existimor; ut, cum te ipsum, Sulpici,
obiurgabam, quod ministratorem peteres, non adversarium; ex
quo etiam illud adsequor, ut, si quis mihi male dicat, petulans
aut plane insanus esse videatur.—In ipsis autem argumentis si 306
quid posueris aut aperte falsum aut ei, quod dixeris dicturusve
sis, contrarium aut genere ipso remotum ab usu iudiciorum
ac foro, nihilne noceas? Quid multa? Omnis cura mea solet
in hoc versari semper—dicam enim saepius—si possim ut boni
efficiam aliquid dicendo; sin id minus, ut certe ne quid mali.

Itaque nunc illuc redeo, Catule, in quo tu me paulo ante **76**
laudabas, ad ordinem conlocationemque rerum ac locorum; cuius 307
ratio est duplex; altera, quam adfert natura causarum, altera,
quae oratorum iudicio et prudentia comparatur: nam ut aliquid
ante rem dicamus, deinde ut rem exponamus, post ut eam pro-
bemus nostris praesidiis confirmandis, contrariis refutandis, deinde
ut concludamus atque ita peroremus, hoc dicendi natura ipsa
praescribit; ut vero statuamus ea, quae probandi et docendi 308
causa dicenda sunt, quem ad modum componamus, id est vel
maxime proprium oratoris prudentiae. Multa enim occurrunt
argumenta; multa, quae in dicendo profutura videantur; sed

4. *ministratorem* codd. fere omnes: *me oratorem* K cum codd. aliquot. 19. *de probandi et docendi causa* Abγ, quae verba incl. K: *quae de causa dicenda sunt* Adler.

1. **causam relinquas**, 'lose sight of your case.' For the asyndeton cp. Roby, §§ 2204, and (more fully) Kühner, ii. 747 ff.

non quo .... audiam, 'not that I like to be abused:' cp. § 277, and for the mood, i. 6. 23.

3. **patiens et lentus**: § 279.

cum te .... obiurgabam: Introd. pp. 14–15. For the tense see i. 24. 112.

4. **ministratorem**: this term denotes a kind of attorney who supplied the counsel with his facts: cp. pro Flacc. 22. 53 'idem hic Maeandrius quasi minister aderat, subiciens quid in suos civis civitatemque, si vellem, dicerem.' Antonius says that he retained sufficient coolness to find fault with Sulpicius for attacking his assistant and not himself, but we have no further indication of the nature or grounds of this attack.

5. **petulans**, 'wantonly attacking.'

8. **genere ipso**, 'essentially.'

10. **dicam**: cp. § 15 'vere dicam.'

cc. 76–81, §§ 307–332. *Antonius explains his views as to arrangement, and lays it down that the strongest arguments are to be placed at the beginning or at the end. Special care is to be taken as to the introduction, which is to excite the attention of the hearer and win his favour. Brief rules are then given as to the* narratio, *the* constitutio causae, *the* argumentatio, *and the* conclusio.

12. **in quo**, 'for which:' used commonly in Latin with verbs of praise, blame, complaint, etc.

paulo ante: § 179.

13. **rerum**, 'subject-matter.'

14. **ratio duplex**, 'two ways of looking at it.' Introd. p. 53.

17. **praesidia**, used for arguments, as above, § 303.

18. **dicendi natura ipsa**, 'the very nature of oratory:' cp. § 78.

22. **multa quae . . . videantur**, 'ay, and many which appear,' qualifying the preceding clause.

eorum partim ita levia sunt, ut contemnenda sint; partim,
etiamsi quid habent adiumenti, sunt non numquam eius modi,
ut insit in eis aliquid vitii neque tanti sit illud, quod prodesse
309 videatur, ut cum aliquo malo coniungatur; quae autem utilia
sunt atque firma, si ea tamen, ut saepe fit, valde multa sunt, ea,
quae ex eis aut levissima sunt aut aliis gravioribus consimilia,
secerni arbitror oportere atque ex oratione removeri: equidem
cum conligo argumenta causarum, non tam ea numerare soleo
77 quam expendere. Et quoniam, quod saepe iam dixi, tribus rebus
310 homines ad nostram sententiam perducimus, aut docendo aut
conciliando aut permovendo, una ex tribus his rebus res prae
nobis est ferenda, ut nihil aliud nisi docere velle videamur; reli-
quae duae, sicuti sanguis in corporibus, sic illae in perpetuis
orationibus fusae esse debebunt; nam et principia et ceterae
partes orationis, de quibus paulo post pauca dicemus, habere
hanc vim magno opere debent, ut ad eorum mentis, apud quos
311 agetur, movendas per*tinere* possint. Sed his partibus orationis
quae, etsi nihil docent argumentando, persuadendo tamen et
commovendo proficiunt plurimum, quamquam maxime proprius
est locus et in exordiendo et in perorando, digredi tamen ab eo,
quod proposueris atque agas, permovendorum animorum causa

14. *nam .... possint* incl. K. 18. *argumentando, persuadendo et commovendo* incl. K. 20. *digredi* PS cum codd. plurimis (Lg. 2 et Z corr.): *degredi* K Ell.

1. **eorum partim ... sunt**: § 94; i. 31. 141. Roby, § 1429.

3. **quod prodesse**: Roby, § 1094.

4. **quae autem utilia**, etc. 'In the case of those arguments:' the position of the words at the beginning of the sentence must be retained in translation.

9. **expendere**: cp. Or. 15. 48 'nec vero (orator) utetur imprudenter hac copia, sed omnia expendet, et seliget: non enim semper nec in omnibus causis ex eisdem [locis] argumentorum momenta sunt. Iudicium igitur adhibebit, nec inveniet solum quid dicat, sed etiam expendet.'

11. **prae nobis est ferenda**, 'must be openly put forward.'

13. **sic illae** resumes **reliquae duae**: cp. 'sic illam,' § 257.

in perpetuis orationibus, 'throughout the whole of each speech.'

14. **nam et principia . . . possint.** The whole clause is bracketed by Kayser. But there is nothing unnatural in this explanation of the preceding **illae . . . debebunt**: and it is expressly pointed out afterwards that both the *narratio* (§ 326) and the *conclusio* (§ 332) should work upon the feelings. The reading of the best MSS. *permovere* cannot be sound, and is probably due to a copyist who had the preceding *movendas* still in his mind. The ordinary reading *permanare* (appearing in most MSS. as *permanere*) is probably only an unsuccessful attempt to emend this, and gives a very doubtful construction: if it is retained, it will be necessary at least to read *possit*, that *vis* may be the subject. But under the circumstances Sorof's conjecture *pertinere* is not too bold, and at once cures the grammar and the sense: 'that they may have their influence in moving the feelings,' etc. Cp. de Off. ii. 3. 11 'quae ad vitam hominum tuendam pertinent.'

17. **his partibus**, dative with *locus*, which is not used in its technical sense. Nor is *partibus* = 'divisions,' but rather 'portions.' 'But though those portions of a speech . . . find their most suitable place in the exordium and the peroration, etc.

21. **agas**, 'are dealing with.'

saepe utile est; itaque vel re narrata et exposita saepe datur ad 312
commovendos animos digrediendi locus, vel argumentis nostris
confirmatis vel contrariis refutatis vel utroque loco vel omnibus,
si habet eam causa dignitatem atque copiam, recte id fieri potest;
eaeque causae sunt ad augendum et ad ornandum gravissimae
atque plenissimae, quae plurimos exitus dant ad eius modi
digressionem, ut eis locis uti liceat, quibus animorum impetus
eorum, qui audiunt, aut impellantur aut reflectantur. Atque 313
etiam in illo reprehendo eos, qui, quae minime firma sunt, ea
prima conlocant; in quo illos quoque errare arbitror, qui, si
quando—id quod mihi numquam placuit—pluris adhibent pa-
tronos, ut in quoque eorum minimum putant esse, ita eum primum
volunt dicere: res enim hoc postulat, ut eorum exspectationi, qui
audiunt, quam celerrime succurratur; cui si initio satisfactum
non sit, multo plus sit in reliqua causa laborandum, male enim
se res habet, quae non statim, ut dici coepta est, melior fieri
videtur. Ergo ut in oratore optimus quisque, sic in oratione 314
firmissimum quodque sit primum; dum illud tamen in utroque
teneatur, ut ea, quae excellent, serventur etiam ad perorandum; si
qua erunt mediocria, nam vitiosis nusquam esse oportet locum, in

5. *augendum* PS. *agendum* Ell. K cum codd. plerisque.

1. **re narrata et exposita**, 'after you have related the facts and stated your case.'

5. **gravissimae** goes with *ad augendum*; **plenissimae** with *ad ornandum*: cp. iii. 3. 12 'cum vitae flore tum mortis opportunitate . . . et ornatum et exstinctum.' *Augendum* for the reading of most MSS. *agendum* is strongly supported by i. 21. 94 and ii. 19. 80, and has been admitted by most editors except Ell.

6. **exitus**, 'starting-points.'

9. **in illo**, sc. in respect of the 'collocatio locorum.' So *in quo* = 'and in this respect.'

11. **id quod mihi nunquam placuit**: Cicero blames this practice in his own person in Brut. 57. 207 'quo nihil est vitiosius,' as spoiling the unity of the defence, and giving rise to inconsistencies. Cp. Ascon. in Scaur. p. 20 'defenderunt Scaurum sex patroni, cum ad id tempus raro quisquam pluribus quam quattuor uteretur: at post bella civilia ante legem Iuliam ad duodenos patronos est perventum.' Cicero's own speech for Murena has probably suffered in completeness from the fact that Hortensius and Crassus had already spoken in defence of Murena, before he rose.

12. **ut in quoque**, i. 27. 123 (note).

13. **ut exspectationi . . . succurratur**: so the best MSS.: *occurratur* (retained by Pid.) would have been the more usual expression: cp. pro Cluent. 23. 63 'multa dici possunt quare ita necesse fuerit iudicari, sed ego occurro exspectationi vestrae, iudices.' This means 'to anticipate:' the phrase in the text 'to assist in gratifying.'

17. **ut in oratore**, 'as in the choice of an orator:' i. 32. 144 (note).

19. **excellent**, 'are to be the best of all:' cp. § 178 'qui audiet.'

serventur, 'should be reserved:' not, as Sorof says, a rare meaning of the word: cp. ad Att. v. 17. 1 'eo me servari:' pro Planc. 5. 13 'Sin temporibus te aliis reservasti, ego quoque . . . ad ea te tempore revocavi, ad quae tu te ipse servaras,' (inaccurately quoted in the lexicons based on Freund).

20. **in mediam turbam atque gregem**: both these terms are often used for the

315 mediam turbam atque in gregem coniciantur. Hisce omnibus
rebus consideratis tum denique id, quod primum est dicendum,
postremum soleo cogitare, quo utar exordio. Nam si quando id
primum invenire volui, nullum mihi occurrit nisi aut exile aut
78 nugatorium aut volgare aut commune. Principia autem dicendi
semper cum adcurata et acuta et instructa sententiis, apta verbis,
tum vero causarum propria esse debent; prima est enim quasi
cognitio et commendatio orationis in principio, quaeque continuo
316 eum, qui audit, permulcere atque adlicere debet; in quo admi-
rari soleo non equidem istos, qui nullam huic rei operam de-
derunt, sed hominem in primis disertum atque eruditum, Philip-
pum, qui ita solet surgere ad dicendum, ut quod primum verbum
habiturus sit, nesciat; et ait idem, cum bracchium concalefecerit,
tum se solere pugnare; neque attendit eos ipsos, unde hoc
simile ducat, primas illas hastas ita iactare leniter, ut et venustati
317 vel maxime serviant et reliquis viribus suis consulant. Nec
est dubium, quin exordium dicendi vehemens et pugnax non
saepe esse debeat, sed si in ipso illo gladiatorio vitae certamine,

8. *orationis* PS cum codd. *nostra* K.

undistinguished mass: so Brut. 97. 332 'ut te eripias ex ea, quam ego congessi in hunc sermonem, turba patronorum:' Lucr. ii. 920 'praeter volgum turbamque animantum:' pro Rosc. Am. 32. 89 'verum ego forsitan propter multitudinem patronorum in grege adnumerer:' cp. 'gregarius miles' for a private soldier.

5. **volgare aut commune**, 'hackneyed or undistinctive:' ad Her. i. 7. 11 'vitiosum exordium est, quod in pluris causas potest accommodari, quod volgare [εὐτελές: cp. Kayser, *ad loc.*] dicitur; item vitiosum est, quo nihilo minus adversarius potest uti, quod commune appellatur.' Whately, Rhetoric, Part I, ch. iv. § 1, calls this 'a just and valuable rule.'

6. **acuta** goes with *sententiis* as well as *instructa:* cp. Or. 36. 124 'principia verecunda, non elatis incensa verbis, sed acuta sententiis vel ad offensionem adversarii vel ad commendationem sui.' Quintil. iv. 1. 58 'ne quod insolens verbum, ne audacius translatum, ne aut ab obsoleta vetustate aut poetica licentia sumptum in principia deprehendatur: nondum enim recepti sumus et custodit nos recens audientium intentio.' Ar. Rhet. iii. 14; ad Her. i. 7. 11.

7. **causarum propria,**)(vulgaria. Cp. Volkmann, Rhetorik, p. 105; iii. 27. 106; and below, § 318.

8. **quaeque** introduces a second attribute corresponding to *prima:* render 'for we give an impression, so to speak, and a commendation of our speech first in the introduction, and this ought at once to charm and attract the hearer.'

9. **admirari,** as in § 12, with a connotation of blame rather than praise.

11. **Philippum,** § 220: iii. 1. 4. Quint. iv. 1. 61 'turbari memoria vel continuandi verba facultate destitui nusquam turpius, cum vitiosum prooemium possit videri cicatricosa facies: et pessimus certe gubernator, qui navem, dum portu egreditur, impegit.'

14. **attendere** without *animum,* 'notice,' as in Acad. ii. 34. 111. Merguet quotes two similar instances from the speeches. It is much more common absolutely.

eos ipsos, sc. gladiators.

15. **leniter**: cp. § 212, where *lenis* is contrasted with *vehemens.*

et . . . . et: here the first *et* introduces the more important clause, not, as often, the second: we may invert in translation, 'they throw their first spears without straining, not only so as to spare their strength but also so as to pay the very greatest attention to grace.' For the **hastae**, cp. § 325.

18. **vitae certamine,** 'contest for life:' for the gen. cp. Roby, § 1318.

quo ferro decernitur, tamen ante congressum multa fiunt, quae non
ad volnus, sed ad speciem valere videantur, quanto hoc magis in
oratione est spectandum, in qua non vis potius quam delectatio
postulatur! Nihil est denique in natura rerum omnium, quod se
universum profundat et [quod] totum repente evolvat; sic omnia,
quae fiunt quaeque aguntur acerrime, lenioribus principiis natura
ipsa praetexuit. Haec autem in dicendo non extrinsecus ali- 318
cunde quaerenda, sed ex ipsis visceribus causae sumenda sunt;
idcirco tota causa pertemptata atque perspecta, locis omnibus
inventis atque instructis considerandum est quo principio sit
utendum. Sic et facile reperientur; sumentur enim ex eis rebus, 319
quae erunt uberrimae vel in argumentis vel in eis partibus, ad
quas dixi digredi saepe oportere; [ita] et momenti aliquid
adferent, cum erunt paene ex intima defensione deprompta, et
apparebit ea non modo non esse communia nec in alias causas
posse transferri, sed penitus ex ea causa quae tum agatur,
effloruisse. Omne autem principium aut rei totius, quae agetur, **79** 320

8. *ipsis* PK codd. mut. *ipsius* S. 16. *quae tum agatur* incl. K. Sed cf. i. 27. 123.

1. **quo**, 'wherein,' an ablative 'where the place is also the means:' Roby, § 1174.

ante congressum, i.e. in the *prolusio*, before the trumpet sounded for the use of the *arma decretoria:* Marquardt, Röm. Alt. iii. 540. Ov. Ib. 45 'Utque petit primo plenum flaventis harenae | nondum calfacti velitis hasta solum.'

4. **se universum profundat**, as in § 88 'se se nimium profuderunt.' Sorof suggests that before *profundat* a word like *protinus* has been lost, corresponding to *repente.*

5. **[quod] totum repente evolvat**: all the better MSS. have *evolvat* or *volvat:* this makes it almost necessary with Kayser to bracket *quod;* otherwise it is very awkward to understand *se* before *totum.* Pid. retains the reading of the inferior MSS. *evolet,* on the ground that as *profundat* refers to breadth, we want a word distinctly referring to height. I doubt alike the premiss and the conclusion. **Universum** = 'as a whole;' **totum,** 'completely:' the former opposed to *singuli,* the latter to *pars.*

sic = so true it is that; **fiunt** natura, **aguntur** ab hominibus.

7. **praetexuit,** 'has provided with,' as a kind of screen or fringe. Ov. Fast. iv. 953 'state Palatinae laurus, praetextaque quercu stet domus.' De Div. ii. 54. 112 'ex primo versu cuiusque sententiae primis litteris illius sententiae carmen omne praetexitur.'

8. **visceribus,** 'heart.'

9. **pertemptata,** 'thoroughly considered.'

11. **reperientur.** This passage is seriously corrupted in the MSS., apparently by the reckless alterations of a copyist, who did not understand the construction. The reading of most MSS and the earlier editors is 'reperietur, sumetur . . . ita et momenti . . . depromptae . . . eas . . . communes:' which Pid[4]. retains, taking *principium* to be the subject of the first two verbs, and *res* to be the subject of *depromptae.* But it was seen even by Manutius that the latter cannot possibly be right: hence it is necessary with all other recent editors (and some of the earlier ones) to correct 'depromptae . . . eas . . . communes' into the neuter: then it becomes much simpler with Madvig (and others) to reject *ita;* and to regard *reperientur, sumentur, afferant,* and *deprompta* as all having the same subject, which is the *haec* of the first clause of the section. Then *Idcirco—utendum* is practically parenthetical.

17. **effloruisse**: a very common metaphor in Cicero, found in AB here (et floruisse), and certainly to be preferred to

significationem habere debebit aut aditum ad causam et communitionem aut quoddam ornamentum et dignitatem; sed oportet, ut aedibus ac templis vestibula et aditus, sic causis principia pro portione rerum praeponere; itaque in parvis atque infrequenti-
321 bus causis ab ipsa re est exordiri saepe commodius; sed cum erit utendum principio, quod plerumque erit, aut ex reo aut ex adversario aut ex re aut ex eis, apud quos agetur, sententias duci licebit. Ex reo, (reos appello, quorum res est), quae significent bonum virum, quae liberalem, quae calamitosum, quae misericordia dignum, quae valeant contra falsam criminationem; ex
322 adversario eisdem ex locis fere contraria; ex re, si crudelis, si nefanda, si praeter opinionem, si immerito, si misera, si ingrata, si indigna, si nova, si quae restitui sanarique non possit; ex eis autem, apud quos agetur, ut benevolos beneque existimantis efficiamus, quod agendo efficitur melius quam rogando. Est id quidem in totam orationem confundendum nec minime in extre-
323 mam; sed tamen multa principia ex eo genere gignuntur—nam et attentum monent Graeci ut principio faciamus iudicem et docilem; quae sunt utilia, sed non principii magis propria quam reliquarum partium; faciliora etiam in principiis, quod et attenti

8. *reos. . . . est* incl. K.

the old reading *effluxisse*: cp. i. 6. 20; iii. 48. 125; Reid on Lael. 27. 100. b here has *et flevisse!* Z *effloruisse* corrected from *et floruisse*.

1. **communitionem,** 'paving of the way:' Ar. Rhet. iii 14. 1 τὸ μὲν οὖν προοίμιόν ἐστιν ἀρχὴ λόγου ὅπερ ἐν ποιήσει πρόλογος καὶ ἐν αὐλήσει προαύλιον· πάντα γὰρ ἀρχαὶ ταῦτ' εἰσί, καὶ οἷον ὁδοποίησις τῷ ἐπιόντι.

3. **vestibula et aditus**: Or. 15. 50 'vestibula nimirum honesta aditusque ad causam faciet [orator] illustres.'

4. **infrequentibus**: so the best MSS., supported, I think, by the general drift of the passage. Pid. reads 'in frequentibus' in the sense of 'cases of daily occurrence,' denying the use of *infrequens* in the sense of 'not much visited,' i.e. 'not attractive,' except with the names of places and collective expressions: but from Livy's 'infrequentia signa' (x. 20 8, etc) = 'standards with few men around them,' the transition is not great to a phrase like that in the text. Translate 'in petty cases, not exciting much attention.' Cp. Ar. Rhet. iii. 14 ἂν δῆλον ᾖ καὶ μικρὸν τὸ πρᾶγμα, οὐ χρηστέον προοιμίῳ.

6. **ex reo**: cp. Ar. Rhet. iii. 14. 7 λέγεται δὲ ταῦτα ἔκ τε τοῦ λέγοντος καὶ τοῦ ἀκροατοῦ καὶ τοῦ πράγματος καὶ τοῦ ἐναντίου. Cicero is evidently closely following Aristotle, but ὁ λέγων has a wider meaning than *reus*, including *actor* as well. This Quintil. iv. 1. 6 seems to have overlooked, in apparently, at least, charging Aristotle with omitting the *actor*. Cp. Cope's note in loc.

8. **reos appello**, § 183.

11. **eisdem ex locis**, §§ 182, 215.

12. **nefanda**: so the better MSS., for the vulgate *infanda*, which Ellendt shows is only used by Cicero of unnatural vice.

immerito, 'unaccompanied by guilt.'

15. **quod agendo**: cp. § 82. Ar. Rhet. iii. 14 ἔτι τὸ προσεκτικοὺς ποιεῖν πάντων τῶν μερῶν κοινόν, ἐὰν δέῃ· πανταχοῦ γὰρ ἀνιᾶσι μᾶλλον ἢ ἀρχόμενοι. διὸ γελοῖον ἐν ἀρχῇ τάττειν ὅτε μάλιστα πάντες προσέχοντες ἀκροῶνται.

16. **confundendum**: cp. *fusae*, § 310.

17. **ex eo genere**, i.e. from the endeavour to secure the attention and favour of the judges.

tum maxime sunt, cum omnia exspectant, et dociles magis in initiis esse possunt; inlustriora enim sunt, quae in principiis quam quae in mediis causis dicuntur aut arguendo aut refellendo. 324 Maximam autem copiam principiorum ad iudicem aut adliciendum aut incitandum ex eis locis trahemus, qui ad motus animorum conficiendos inerunt in causa, quos tamen totos explicari in principio non oportebit, sed tantum impelli iudicem primo leviter, ut iam inclinato reliqua incumbat oratio. Conexum 80 autem ita sit principium consequenti orationi, ut non tamquam 325 citharoedi prooemium adfictum aliquod, sed cohaerens cum omni corpore membrum esse videatur—nam non nulli, cum illud meditati ediderunt, sic ad reliqua transeunt, ut audientiam fieri sibi nolle videantur—atque eius modi illa prolusio debet esse, non ut Samnitium, qui vibrant hastas ante pugnam, quibus in pugnando nihil utuntur, sed ut ipsis sententiis, quibus proluserint, vel pugnare possint.

Narrare vero rem quod breviter iubent, si brevitas appellanda 326 est, cum verbum nullum redundat, brevis est L. Crassi oratio;

2. *in initiis* PS: [*initiis*] K Ell.

2. **in initiis**: not a technical expression for *in exordiis* or *in principiis*, but used here quite as equivalent, to vary the phrase.

illustriora, 'clearer.'

3. **arguendo**, 'in respect of proving:' Roby, § 1384.

6. **conficiendos**. This word does not require any alteration, as some have suggested (i.e. *ciendos*, *conciendos*, or *concitandos*): we may surely talk of *producing* emotions, just as well as of *calling* them out.

8. **iam inclinato**, § 187. Nägelsb. Stil. p. 360.

Conexum autem, etc. Cp. Quint. iv. 1. 1 'quod principium Latine vel exordium dicitur, maiore quadam ratione Graeci videntur προοίμιον nominasse . . . nam sive propterea quod οἴμη cantus est et citharoedi pauca illa, quae, antequam legitimum certamen inchoant, emerendi favoris gratia canunt, prooemium cognominaverunt, oratores quoque ea quae priusquam causam exordiantur, ad conciliandos sibi iudicum animos praeloquuntur, eadem appellatione signarunt, sive, etc.' Ar. Rhet. iii. 14. 1 τὸ μὲν οὖν προαύλιον ὅμοιον τῷ τῶν ἐπιδεικτικῶν προοιμίῳ· καὶ γὰρ οἱ αὐληταί, ὅ τι ἂν εὖ ἔχωσιν αὐλῆσαι, τοῦτο προαυλήσαντες συνῆψαν τῷ ἐνδοσίμῳ, καὶ ἐν τοῖς ἐπιδεικτικοῖς λόγοις δεῖ οὕτω γράφειν.

12. **audientiam**, 'attentive hearing:' Reid on Cat. Mai. 9. 28 'facitque persaepe ipsa sibi audientiam diserti senis compta et mitis oratio:' Div. in Caec. 13. 42 'Iam nunc mente et cogitatione perspicio quantam denique audientiam orationi meae improbitas illius factura sit.'

14. **Samnitium**: Liv. ix. 40. 17 'Campani ab superbia et odio Samnitium gladiatores, quod spectaculum inter epulas erat, eo ornatu armarunt Samnitiumque nomine compellarunt.' Cp. Friedländer, Sittengesch. ii. 326.

17. **breviter**: de Inv. i. 20. 28 'oportet igitur eam (narrationem) tris habere res, ut brevis, ut aperta, ut probabilis sit.' Cicero's judgment here quite agrees with that of Aristotle, Rhet. iii. 16 νῦν δὲ γελοίως τὴν διήγησίν φασι δεῖν εἶναι ταχεῖαν . . . δεῖ γὰρ μὴ μακρῶς διηγῆσθαι ὥσπερ οὐδὲ προοιμιάζεσθαι μακρῶς, οὐδὲ τὰς πίστεις λέγειν· οὐδὲ γὰρ ἐνταῦθά ἐστι τὸ εὖ ἢ τὸ ταχὺ ἢ τὸ συντόμως, ἀλλὰ τὸ μετρίως· τοῦτο δὲ ἐστὶ τὸ λέγειν ὅσα δηλώσει τὸ πρᾶγμα, ἢ ὅσα ποιήσει ὑπολαβεῖν γεγονέναι ἢ βεβλαφέναι ἢ ἠδικηκέναι, ἢ τηλικαῦτα ἡλίκα βούλει· τῷ δ' ἐναντίῳ τὰ ἐναντία.

sin tum est brevitas, cum tantum verborum est, quantum necesse est, aliquando id opus est; sed saepe obest vel maxime in narrando, non solum quod obscuritatem adfert, sed etiam quod eam virtutem, quae narrationis est maxima, ut iucunda et ad persuadendum accommodata sit, tollit. Videant illa

> nam is postquam excessit ex ephebis . . . .

327 quam longa est narratio! Mores adulescentis ipsius et servilis percontatio, mors Chrysidis, voltus et forma et lamentatio sororis, reliqua pervarie iucundeque narrantur. Quodsi hanc brevitatem quaesisset:

> effertur, imus, ad sepulcrum venimus,
> in ignem imposita est,

[fere] decem versiculis totum conficere potuisset; quamquam hoc ipsum 'effertur, imus,' concisum est ita, ut non brevitati
328 servitum sit, sed magis venustati. Quodsi nihil fuisset, nisi 'in ignem imposita est,' tamen res tota cognosci facile potuisset. Sed et festivitatem habet narratio distincta personis et interpuncta sermonibus, et est et probabilius, quod gestum esse dicas, cum quem ad modum actum sit exponas, et multo apertius ad intellegendum est, si constituitur aliquando ac non ista brevitate
329 percurritur. Apertam enim narrationem tam esse oportet quam

5. *accommodata* PS. *occupata* AbγZ, unde K coniecit *adcurata*. *illa* S. *illam* K. *vel illa* P. 13. *fere* om. S. (cum codd. opt.) incl. K.

1. **tantum**, § 150.

5. **Videant illa**: sc. *qui narrare breviter iubent*. This reading is that of the best MSS., and suits the context at least as well as any other that has been extracted out of the curiously varied reading of the MSS. The following quotations are from Terence, Andr. 51f. 117.

6. **excessit ex ephebis** = ἐξῆλθεν ἐξ ἐφήβων (Xen. Cyr. i. 2. 12); so Cicero says (pro Arch. 3. 4) 'ut primum ex pueris excessit Archias.'

7. **adulescentis**, sc. Pamphilus: **servilis percontatio**, 'the questions of the slave Sosia.' Simo is represented as describing to his slave at some length the excellent character of his son Pamphilus, the death of Chrysis, an Andrian *hetaera* at Athens, the charming appearance of her sister Glycerium, her grief at the funeral, the sympathy of Pamphilus, and his alarm when Glycerium appeared to be in danger at the funeral pyre.

11. **effertur**: the earlier form *ecfertur* does not appear in any MS. here, and only in two of Terence (cp. Umpfenbach). The line is made up of the first half of v. 117 and the latter part of v. 128.

12. **in ignem imposita est**: the MSS., both here and in Terence, vary between *posita* and *imposita*. Pid. and Sorof read *in igni positast*, without any authority for the ablative. Cp. Rhein. Mus. N. F. xxiv. 138.

14. **concisum**, 'broken up,' almost equal to our 'concise:' **servitum sit**, 'regard is paid,' § 171.

17. **festivitatem**, 'liveliness:' de Inv. i. 19. 27 'illa narratio quae versatur in personis eiusmodi est, ut in ea simul cum rebus ipsis personarum sermones et animi perspici possint. Hoc in genere multa inesse debet festivitas, confecta ex rerum varietate,' etc. **distincta**, 'diversified.' **interpuncta**, 'broken up.'

20. **constituitur**: so the MSS.; 'is brought to a halt,' which I think may be defended. Some editors accept the conjecture of Lambinus 'consistitur.'

21. **apertam** = σαφῆ, 'clear:' cp. note on § 83.

cetera; sed hoc magis in hac elaborandum est, quod et difficilius est non esse obscurum in re narranda quam aut in principio aut in argumentando aut in perorando; et maiore etiam periculo haec pars orationis obscura est quam ceterae, vel quia, si quo alio in loco est dictum quid obscurius, tantum id perit, quod ita dictum est, narratio obscura totam occaecat orationem; vel quod alia possis, semel si obscurius dixeris, dicere alio loco planius, narrationis unus est in causa locus. Erit autem perspicua narratio, si verbis usitatis, si ordine temporum servato, si non interrupte narrabitur. Sed quando utendum sit aut non sit **81**
narratione, id est consilii; **330**
neque enim si nota res est nec dubium quid gestum sit, narrare oportet, nec si adversarius narravit, nisi si refellemus; ac si quando erit narrandum, nec illa, quae suspicionem et crimen efficient contraque nos erunt, acriter persequemur et, quicquid potuerit, detrahemus; ne illud, quod Crassus, si quando fiat, perfidia, non stultitia fieri putat, ut causae noceamus, accidat. Nam ad summam totius causae pertinet, caute an contra demonstrata res sit, quod omnis orationis reliquae fons est narratio.

Sequitur, ut causa ponatur, in quo videndum est, quid in con- **331**
troversiam veniat; tum suggerenda sunt firmamenta causae coniuncte et infirmandis contrariis et tuis confirmandis. Namque

3. *in argumentando aut in perorando* PS. *in arguendo aut purgando aut perorando* K. vide infra.

3. **argumentando**, the generally received conjecture of Lambinus for *argumento*: [*aut purgando*] can hardly be anything but a copyist's mistake for *perorando*. The special force which the word has as a technical term in rhetoric 'cum consulto negat se reus fecisse' (ad Her. i. 14. 24) is quite out of place here.

11. **neque** extends also to *nec dubium*. It is not necessary with the editors between Ern. and Ell. to read *nec si non dubium*, which has very slight authority.

14. **persequemur**: so Kayser, followed by Sorof, corrected the reading of (apparently all, not as Sorof says most) MSS. *persequamur*, which is at variance with the usual practice of Antonius in giving his rules, and which is due only to the very general corruption of *nec* into *ne*. *Nec* . . . *et* correspond, as often.

15. **potuerit**: so the good MSS. *poterit* is retained by Kayser and Pid.

18. **demonstrata** 'stated (clearly);' i. 31. 143.

20. **Sequitur**, 'the next thing is:' de Off. i. 27. 93. In this sense *sequi* seems always to be followed by *ut*: when used with the meaning 'the result is that,' it takes sometimes acc. c. inf. sometimes *ut* with subj. Kühner, ii. 812. *inde, ex quo*, etc., are *not* used with it: Seyffert, Lael.[2] p. 398.

ponatur, i. 33. 149. This part of the subject has been fully discussed in § 132 ff, and § 163 ff.

21. **suggerenda**, § 117. **firmamenta**, not limited, as Sorof says, to the main support of the defence: cp. pro Mur. 28. 58 'firmamentum ac robur totius accusationis.'

22. **contrariis et tuis**: neuters, used as substantives: cp. § 80. The case seems to be abl.: 'by rejecting your opponents' arguments and establishing your own at the same time.' Or. part. 35. 122 'in confirmandis autem nostris argumentationibus infirmandisque contrariis.'

una in causis ratio quaedam est eius orationis, quae ad probandam argumentationem valet; ea autem et confirmationem et reprehensionem quaerit; sed quia neque reprehendi, quae contra dicuntur, possunt, nisi tua confirmes, neque haec confirmari, nisi illa reprehendas, idcirco haec et natura et utilitate et tractatione
332 coniuncta sunt. Omnia autem concludenda plerumque rebus augendis vel inflammando iudice vel mitigando; omniaque cum superioribus orationis locis tum maxime extremo ad mentis iudicum quam maxime permovendas et ad utilitatem nostram vocandas conferenda sunt.

333 Neque sane iam causa videtur esse cur secernamus ea praecepta, quae de suasionibus tradenda sunt aut laudationibus, sunt enim pleraque communia, sed tamen suadere aliquid aut dissuadere gravissimae mihi personae videtur esse; nam et sapientis est consilium explicare suum de maximis rebus et honesti et diserti, ut mente providere, auctoritate probare, oratione per-
82 suadere possis. Atque haec in senatu minore apparatu agenda sunt; sapiens enim est consilium multisque aliis dicendi relinquendus locus, vitanda etiam ingenii ostentationis suspicio:
334 contio capit omnem vim orationis et gravitatem varietatemque desiderat. Ergo in suadendo nihil est optabilius quam dignitas; nam qui utilitatem putat, non quid maxime velit suasor, sed quid

Namque, etc. For in dealing with cases that part of the pleading which aims at establishing your line of argument has but one object in view, if I may say so. (**quaedam**), § 185.

2. **confirmationem**: Or. part. 9. 33 'quae quidem [ea quae ad faciendam fidem pertinent] in confirmationem et reprehensionem dividuntur': 12. 44; 35. 120. **et natura**, 'not only by nature, but also in respect of the assistance they can give, and the manner in which they are to be treated.'

7. **augendis**, i.e. by heightening the effect you have been endeavouring to produce, whether that is to be done by exciting the judge, or by calming the feelings aroused by your opponent. Cp. i. 31. 143; iii. 26. 104; Ar. Rhet. iii. 19. 1 *ὁ δ' ἐπίλογος σύγκειται ἐκ τεττάρων ἔκ τε τοῦ πρὸς ἑαυτὸν κατασκευάσαι εὖ τὸν ἀκροατὴν καὶ τὸν ἐναντίον φαύλως, καὶ ἐκ τοῦ αὐξῆσαι καὶ ταπεινῶσαι, καὶ ἐκ τοῦ εἰς τὰ πάθη τὸν ἀκροατὴν καταστῆσαι, καὶ ἐξ ἀναμνήσεως.* Cp. Sandys' note in loc. and some excellent remarks on the quiet tone of the perorations of the Attic orators in Jebb's Attic Orators, i. p. ciii.

11. **iam**, 'henceforward,' after our discussion of the *genus iudiciale*.

13. **sed tamen**, i.e. but there are some points of difference, for, etc. This was a consideration ignored in the ordinary school-rhetoric.

14. **gravissimae personae**, 'to require a character of the greatest weight;' equivalent to *dignitas* in § 334.

15. **consilium**, § 165 (note).

19. **ingenii ostentationis**: Div. in Caec. 11. 36 'cum omnis adrogantia odiosa est, tum illa ingenii atque eloquentiae longe molestissima.' The experience of our House of Commons fully bears out the remark of Antonius.

20. **capit**, 'admits.'

21. **Ergo**, resumptive, after the parenthetical remark upon the *contio*.

22. **utilitatem putat**, 'has an eye to advantage.' Such a man does not see what the adviser must make his main purpose, but only what he sometimes takes as his immediate object.

interdum magis sequatur, videt. **Nemo** est enim, praesertim in
tam clara civitate, quin putet expetendam maxime dignitatem,
sed vincit utilitas plerumque, cum subest ille timor ea neglecta
ne dignitatem quidem posse retineri. Controversia autem est 335
inter hominum sententias aut in illo, utrum sit utilius; aut etiam,
cum id convenit, certatur, utrum honestati potius an utilitati con-
sulendum sit; quae quia pugnare inter se saepe videntur, qui
utilitatem defendet, enumerabit commoda pacis, opum, potentiae,
vectigalium, praesidii militum, ceterarum rerum, quarum fructum
utilitate metimur, itemque incommoda contrariorum; qui ad
dignitatem impellet, maiorum exempla, quae erunt vel cum
periculo gloriosa, conliget, posteritatis immortalem memoriam
augebit, utilitatem ex laude nasci defendet semperque eam cum
dignitate esse coniunctam. Sed quid fieri possit aut non possit 336
quidque etiam sit necesse aut non sit, in utraque re maxime est
quaerendum; inciditur enim omnis [iam] deliberatio, si intellegitur
non posse fieri aut si necessitas adfertur; et qui id docuit non
videntibus aliis, is plurimum vidit. Ad consilium autem de re pub- 337
lica dandum caput est nosse rem publicam; ad dicendum vero
probabiliter nosse mores civitatis, qui quia crebro mutantur, genus
quoque orationis est saepe mutandum; et quamquam una fere

8. *defendet* S. *defendit* KP cum codd. 11. *impellet* S. *impellit* KP cum codd.
16. *iam* om. K cum ABbZ, nescio an recte.

3. **vincit,** 'gains the upper hand:' de Off. iii. 4. 19 'vicit ergo utilitas honestatem? immo vero honestas utilitatem; honestatem utilitas secuta est.'

5. **inter hominum sententias,** a periphrastic expression for 'inter homines.'

8. **defendet**: MSS. *defendit*: Sorof's correction is necessary; otherwise 'qui utilitatem defendit' would mean 'the man who is always a champion of expediency,' not, as the sense requires, 'the man who on any occasion is defending.'

9. **praesidii militum,** 'the protection afforded by an army.'

10. **contrariorum**: neuter as in § 331.

11. **quae erunt,** 'which may occur to him.'

13. **augebit,** 'he will magnify the importance of:' cp. i. 21. 94 'augere atque ornare.'

14. **Sed quid fieri possit**: from Ar. Rhet. i. 4. 2 *ὅσα δὲ ἐξ ἀνάγκης ἢ ἐστὶν ἢ ἔσται ἢ ἀδύνατον εἶναι ἢ γενέσθαι, περὶ δὲ τούτων οὐκ ἔστι συμβουλή*, repeated in Part. Or. 24. 83 'est igitur in deliberando finis utilitas, ad quem ita referantur omnia in consilio dando sententiaque dicenda, ut illa prima sint suasori aut dissuasori videnda, quid aut possit fieri aut non possit, et quid aut necesse sit aut non necesse. Nam et, si quid effici non potest, deliberatio tollitur, quamvis utile sit; et, si quid necesse est—necesse autem id est, sine quo salvi liberive esse non possumus —id est reliquis et honestatibus in civili ratione et commodis anteponendum.'

16. **inciditur,** 'cut short:' Hor. Ep. i. 14. 36 'nec lusisse pudet, sed non incidere ludum.'

iam, 'at once,' without any further question.

19. **caput est**: Ar. Rhet. i. 8. 1 *μέγιστον δὲ καὶ κυριώτατον ἁπάντων πρὸς τὸ δύνασθαι πείθειν καὶ καλῶς συμβουλεύειν, τὰς πολιτείας ἁπάσας λαβεῖν καὶ τὰ ἑκάστης ἔθη καὶ νόμιμα καὶ συμφέροντα διελεῖν· πείθονται γὰρ ἅπαντες τῷ συμφέροντι, συμφέρει δὲ τὸ σῶζον τὴν πολιτείαν.*

20. **civitatis,** 'of the citizens:' Acad. ii. 45. 137 'non dubitavisset quin et praetor ille esset et Roma urbs, et eam civitas incoleret.'

21. **et quamquam,** etc. 'And although the essential character of eloquence is

vis est eloquentiae, tamen quia summa dignitas est populi, gravissima causa rei publicae, maximi motus multitudinis, genus quoque dicendi grandius quoddam et inlustrius esse adhibendum videtur; maximaque pars orationis admovenda est ad animorum motus non numquam aut cohortatione aut commemoratione aliqua aut in spem aut in metum aut ad cupiditatem aut ad gloriam concitandos, saepe etiam a temeritate, iracundia, spe, iniuria, invidia,
83 crudelitate revocandos. Fit autem, ut, quia maxima oratori quasi
338 scaena videtur contio esse, natura ipsa ad ornatius dicendi genus excitemur; habet enim multitudo vim quandam talem, ut, quem ad modum tibicen sine tibiis canere, sic orator sine multitudine
339 audiente eloquens esse non possit. Et cum sint populares multi variique lapsus, vitanda est adclamatio adversa populi, quae aut orationis peccato aliquo excitatur, si aspere, si adroganter, si turpiter, si sordide, si quoquo animi vitio dictum esse aliquid videtur, aut hominum offensione vel invidia, quae aut iusta est aut ex criminatione atque fama, aut res si displicet, aut si est in aliquo motu suae cupiditatis aut metus multitudo. His quattuor causis totidem medicinae opponuntur: tum obiurgatio, si est auctoritas; tum admonitio quasi lenior obiurgatio; tum promissio, si audie-

8. *oratori quasi scena videtur contio esse* K: *quasi oratori scena videatur contionis* P: cum codd. *quasi oratoris scaena videtur contio esse* S.

almost always the same, yet inasmuch as the dignity of the people is the most exalted, the cause of the state the most important, and the passions of the crowd the most violent,' etc.

3. **illustrius**, 'more dazzling.'

9. **scaena contio**: Lael. 26. 97 'quod si in scaena, id est in contione, in qua rebus fictis et adumbratis loci plurimum est, tamen verum valet, si modo id patefactum et illustratum est, quid in amicitia fieri oportet, quae tota veritate perpenditur?'

11. **sine tibiis**: Brut. 51. 192 'ego vero . . . ut in eis etiam causis, in quibus omnis res nobis cum iudicibus est, non cum populo, tamen si a corona relictus sim, non queam dicere' . . . 'Ita se res habet, ut, si tibiae inflatae non referant sonum, abiciendas eas sibi tibicen putet, sic oratori populi aures tamquam tibiae sunt; eae si inflatum non recipiunt, aut si auditor omnino tamquam equus non facit, agitandi finis faciendus est.'

12. **populares lapsus**, 'ways of offending the populace.' This substitution of the adjective for the genitive is especially common in Cicero. See Reid on pro Arch. § 3.

13. **acclamatio**, even without *adversa* always denotes in Cicero a shout of disapproval or ridicule: so pro Mur. 8. 18 'tu illam [provinciam habuisti] cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem:' in Pis. 65 'ne acclametur times? ne id quidem est curare philosophi.' The notion of approbation (Tennyson's 'tumult of acclaim') is on the contrary, the more usual one from Livy downwards.

15. **quoquo**, 'any.' Roby, § 2289; Kühner, ii. 789. It is not necessary, with Lambinus, to change this into *si quo*.

16. **hominum offensione**, 'ill-will towards the speakers.'

18. **motu cupiditatis**, 'excitement arising from desire.'

suae, emphatic from its position, 'on their own part.'

20. **promissio . . . probaturos**: pro Sest. 41. 89 'opinione id eum nunquam esse facturum.' Roby, § 1351. The subject to *probaturos* is 'the audience' or some other indefinite term, understood

rint, probaturos; tum deprecatio, quod est infirmum, sed non numquam utile. Nullo autem loco plus facetiae prosunt et celeri- 340 tas et breve aliquod dictum nec sine dignitate et cum lepore; nihil enim tam facile quam multitudo a tristitia et saepe ab acerbitate commode et breviter et acute et hilare dicto deducitur.

Exposui fere, ut potui, vobis in utroque genere causarum quae **84** sequi solerem, quae fugere, quae spectare quaque omnino in causis ratione versari. Nec illud tertium laudationum genus est difficile, 341 quod ego initio quasi a praeceptis nostris secreveram; sed et quia multa sunt orationum genera et graviora et maioris copiae, de quibus nemo fere praeciperet, et quod nos laudationibus non ita multum uti soleremus, totum hunc segregabam locum; ipsi enim Graeci magis legendi et delectationis aut hominis alicuius ornandi quam utilitatis huius forensis causa laudationes scriptitaverunt; quorum sunt libri, quibus Themistocles, Aristides, Agesilaus, Epaminondas, Philippus, Alexander aliique laudantur; nostrae laudationes, quibus in foro utimur, aut testimonii brevitatem habent nudam atque inornatam, aut scribuntur ad funebrem contionem, quae ad orationis laudem minime adcommodata est. Sed tamen, quoniam est utendum aliquando, non numquam etiam scribendum, velut Q. Tuberoni Africanum avunculum laudanti

1. *infirmum* codd. *infimum* KS. 8. *laudationum* AγZ: *laudationis* K cum Bb. 10. *sunt* codd. P. *essent* KS.

from 'si audierint:' 'at another time a promise that if they hear us out, they will agree with us.'

1. **infirmum**, the reading of ABb, may perhaps be defended against the vulgate *infimum*. 'To stoop to entreaties is not only a kind of degradation for the orator but also shows want of strength.'

2. **celeritas**, 'readiness.'

7. **solerem**, § 300 (note). The Latin perfect here corresponds to the Greek aorist of 'conversation,' rather than to our present complete.

8. **laudationum**, 'consisting in panegyrics;' a genitive of definition. Roby, § 1302. Dräger, § 202.

9. **initio**, § 47.

secreveram, § 333.

11. **praeciperet**, 'laid down rules' (as I thought); the subjunctive is one of reported reason. The *sunt* of the MSS. can, I think, be defended, although Pearce's conjecture *essent* preserves the parallel with *soleremus*. There is nothing impossible in regarding the first reason as one given without any reference to its existence in the mind of the speaker, the second as having such a reference.

14. **huius**, i.e. which we are now considering.

16. **Alexander**: Plut Dem. 9 refers to an ἐγκώμιον Ἀλεξάνδρου καὶ Φιλίππου βασιλέων by Lamachus of Myrinae. The life of Agesilaus by Xenophon (if it be his) is virtually, if not in form a panegyric. Isocrates asserts that his *Evagoras* (written not earlier than B.C. 374) was the first panegyric on a departed contemporary.

17. **testimonii**, 'evidence to character.'

19. **ad orationis laudem**, 'to display the special excellence of oratory.'

20. **etiam**, 'and even,' an asyndeton.

21. **Q.** [Aelio] **Tuberoni**, the son of Aemilia the sister of Scipio Aemilianus. He was a noted Stoic (Brut. 31. 117; pro Mur. 36. 75), and though a learned lawyer (Gell. i. 22. 7), had no more eloquence than most of his sect. For the shabby provision which he made for the funeral feast given in honour of his uncle, cp. pro Mur. 36. 75. Laelius as the most

scripsit C. Laelius, vel ut nosmet ipsi ornandi causa Graecorum more, si quos velimus, laudare possimus, sit a nobis quoque
342 tractatus hic locus. Perspicuum est igitur alia esse in homine optanda, alia laudanda : genus, forma, vires, opes, divitiae ceteraque, quae fortuna dat aut extrinsecus aut corpori, non habent in se veram laudem, quae deberi virtuti uni putatur; sed tamen, quod ipsa virtus in earum rerum usu ac moderatione maxime cernitur, tractanda in laudationibus etiam haec sunt naturae et fortunae bona, in quibus est summa laus non extulisse se in potestate, non fuisse insolentem in pecunia, non se praetulisse aliis propter abundantiam fortunae, ut opes et copiae non superbiae videantur ac libidini, sed bonitati ac moderationi facultatem
343 et materiam dedisse; virtus autem, quae est per se ipsa laudabilis et sine qua nihil laudari potest, tamen habet pluris partis, quarum alia est alia ad laudationem aptior; sunt enim aliae virtutes, quae videntur in moribus hominum et quadam comitate ac beneficentia positae; aliae, quae in ingenii aliqua facultate aut animi magnitudine ac robore; nam clementia, iustitia, benignitas, fides, fortitudo in periculis communibus iucunda est auditu
344 in laudationibus; omnes enim hae virtutes non tam ipsis, qui eas habent, quam generi hominum fructuosae putantur. Sapientia et magnitudo animi, qua omnes res humanae tenues ac pro nihilo

1. *vel ut . . . possimus* PS. *velut . . . possumus* K.

intimate friend of Scipio would naturally be the best fitted to write his *éloge*. The Schol. Bob. on *pro Milone* 7. 2 gives a different story: 'super Africani laudibus extat oratio C. Laelii Sapientis, qua usus videtur Q. Fabius Maximus [another nephew of Scipio] in laudatione mortui Scipionis,' and he quotes the last words, which go to show that Scipio died a natural death. Ihne (Röm. Gesch. v. 61) accepts this account, and overlooks the more trustworthy authority of Cicero in the text.

laudanti, not quite, as Sorof, 'of an attempt:' the task of composing the panegyric is regarded as beginning as soon as it became a duty.

1. **vel ut possimus**, a third reason, coordinated with the two gerundives.

2. **sit**: cp. many exx. in Seyffert's Lael.[2] p. 346.

3. **alia . . . laudanda**, 'that what is desirable is not identical with what is praiseworthy.'

7. **moderatione**, 'wise dealing with.'

9. **summa laus non extulisse**. Pid. and Sorof put a colon after *laus*, which needlessly obscures the construction.

11. **abundantiam fortunae**: this sums up and generalises the preceding *in potestate* and *in pecunia*, to which *opes* and *copiae* respectively correspond.

13. **virtus autem**: Ar. Rhet. i. 9 *καλὸν μὲν οὖν ἐστίν ὃ ἂν δι' αὑτὸ αἱρετὸν ὂν ἐπαινετὸν ᾖ, ἢ ὃ ἂν ἀγαθὸν ὂν ἡδὺ ᾖ, ὅτι ἀγαθόν· εἰ δὲ τοῦτό ἐστι τὸ καλόν, ἀνάγκη τὴν ἀρετὴν καλὸν εἶναι· ἀγαθὸν γὰρ ὂν ἐπαινετόν ἐστιν*. Aristotle goes on to point out that those *μέρη ἀρετῆς* are the greatest which are most useful to others.

15. **alia est alia**: Ell. points out that, according to the law of *parisosis*, two words identical in form are not placed side by side, but either different forms are used, as *alius aliud dixit*, or the words are separated by some interposed word. Cp. iii. 14. 55 'sed tamen est specie alia magis alia formosa et illustris.'

16. **in moribus hominum**, 'in the characteristic behaviour of men.'

22. **magnitudo animi**, 'highmindedness,' not our 'magnanimity,' but the

putantur, et in excogitando vis quaedam ingenii et ipsa eloquentia
admirationis habent non minus, iucunditatis minus: ipsos enim
magis videntur, quos laudamus, quam illos, apud quos laudamus,
ornare ac tueri. Sed tamen in laudando iungenda sunt etiam haec
genera virtutum, ferunt enim aures hominum cum illa, quae
iucunda et grata, tum etiam illa, quae mirabilia sunt in virtute,
laudari. Et quoniam singularum virtutum sunt certa quaedam **85**
officia ac munera et sua cuique virtuti laus propria debetur, erit 345
explicandum in laude iustitiae, quid cum fide, quid cum aequa-
bilitate, quid cum eius modi aliquo officio is, qui laudabitur,
fecerit; itemque in ceteris res gestae ad cuiusque virtutis genus
et vim et nomen adcommodabuntur. Gratissima autem laus 346
eorum factorum habetur, quae suscepta videntur a viris fortibus
sine emolumento ac praemio; quae vero etiam cum labore ac
periculo ipsorum, haec habent uberrimam copiam ad laudandum,
quod et dici ornatissime possunt et audiri facillime; ea enim
denique virtus esse videtur praestantis viri, quae est fructuosa aliis,
ipsi aut laboriosa aut periculosa aut certe gratuita. Magna etiam
illa laus et admirabilis videri solet tulisse casus sapienter adver-
sos, non fractum esse fortuna, retinuisse in rebus asperis dignita-
tem; neque tamen illa non ornant, habiti honores, decreta virtutis 347
praemia, res gestae iudiciis hominum comprobatae; in quibus
etiam felicitatem ipsam deorum immortalium iudicio tribui lau-
dationis est. Sumendae autem res erunt aut magnitudine
praestabiles aut novitate primae aut genere ipso singulares;
neque enim parvae neque usitatae neque volgares admiratione
aut omnino laude dignae videri solent. Est etiam cum ceteris 348
praestantibus viris comparatio in laudatione praeclara. De quo

μεγαλοψυχία of Ar. Eth. Nic. iv. 3. 16: cp. § 15 *τίνος γὰρ ἕνεκα πράξει αἰσχρά* [sc. *ὁ μεγαλόψυχος*], *ᾧ οὐθὲν μέγα*; and § 23 *ἀφειδὴς τοῦ βίου, ὡς οὐκ ἄξιον ὂν πάντως ζῆν.*

2. **iucunditatis minus**, naturally enough, *ὁ γὰρ μεγαλόψυχος δικαίως καταφρονεῖ.* Ar. l.c. § 21.

9. **cum aequabilitate**, 'with a sense of fairness:' Ell. rightly explains 'explicandum est quibus modis sese omnibus aequabilem praestiterit, nihil unquam gratiae divitiisque tribuerit, sed omnes eadem iuris condicione esse existimaverit.'

10. **aliquo**: cp. note on § 17.

11. **itemque**, etc. 'And so in praising the other virtues, a man's actions must be treated with regard to the character, significance, and name of the several virtues. Part. Or. 23. 82 'tum quae quisque senserit, dixerit, gesserit ad ea, quae proposita sunt, virtutum genera accommodabuntur.'

16. **facillime**, 'with the greatest readiness.'

17. **denique**, § 146, 315.

21. **virtutis praemia**: the genitive may be well defended: cp. iii. 27. 104 'omnibus eis locis, quos ad fidem orationis faciendam adhiberi dixit Antonius.' Of course the dative could also have been used, but it is not necessary, as some have thought.

24. **Sumendae**, 'are to be chosen' to dwell upon.

genere libitum mihi est paulo plura, quam ostenderam, dicere, non tam propter usum forensem, qui est a me omni hoc sermone tractatus, quam ut hoc videretis, si laudationes essent in oratoris officio, quod nemo negat, oratori virtutum omnium cognitionem,
349 sine qua laudatio effici non posset, esse necessariam. Iam vituperandi praecepta contrariis ex vitiis sumenda esse perspicuum est; simul est illud ante oculos, nec bonum virum proprie et copiose laudari sine virtutum nec improbum notari ac vituperari sine vitiorum cognitione satis insignite atque aspere posse. Atque his locis et laudandi et vituperandi saepe nobis est utendum in omni genere causarum.

350 Habetis de inveniendis rebus disponendisque quid sentiam; adiungam etiam de memoria, ut labore Crassum levem neque ei quicquam aliud, de quo disserat, relinquam nisi ea, quibus haec ex-
86 ornentur.' 'Perge vero,' inquit Crassus 'libenter enim te cognitum iam artificem aliquandoque evolutum illis integumentis dissimulationis tuae nudatumque perspicio; et quod mihi nihil aut non mul-
351 tum relinquis, percommode facis estque mihi gratum.' 'Iam istuc quantum tibi ego reliquerim,' inquit Antonius 'erit in tua potestate; si enim vere agere volueris, omnia tibi relinquo; sin dissimulare, tu quem ad modum his satis facias, videris. Sed, ut ad rem redeam, non sum tanto ego' inquit 'ingenio, quanto Themistocles fuit, ut oblivionis artem quam memoriae malim; gratiamque habeo Simonidi illi Cio, quem primum ferunt artem memoriae

5. *posset* S. *possit* K cum codd.

3. **videretis**, as in § 340: *solerem*: then *essent* is attracted into the same tense; otherwise it would have been *sunt*: *posset* is, I think, a necessary correction of the *possit* of the MSS.

9. **satis insignite**, 'in a sufficiently marked manner.' There is no need with Ell. to limit the force of the word to pointing out disfiguring marks, though *insignitus* often means 'disfigured,' much like our own 'marked.'

10. **in omni genere causarum**: cp. the praise of Lucullus introduced in the speech 'De Imperio Cn. Pompeii,' the eulogy on Chabrias in Demosthenes' speech πρὸς Λεπτίνην, etc.

cc. 85-88, §§ 350-360. *Antonius proceeds to give an outline of the art of memory, ascribing its origin to the manner in which Simonides was struck with the assistance derived from orderly arrangement.*

16. **artificem**, 'a master of the theory,' *ars* or *artificium*.

20. **vere**, 'fairly,' 'frankly,' as contrasted with *dissimulare*.

relinquo = 'you will see that I have left.'

21. **videris**, § 33.

22. **Themistocles**, § 299.

24. **Cio** = Κείῳ, of Ceos: cp. Plin. N. H. iv. 12. 62 'dein Ceos, quam nostri quidam dixere Ceam:' the latter seems the only form found in Latin authors, perhaps to avoid a confusion with the adjective. Cp. *Chius* = Χῖος, and *Chīus* = Χίος. Besides Simonides, and his nephew Bacchylides, the sophist Prodicus, the philosopher Ariston and the physician Erasistratus were born in this small island, all being natives of its principal town Iulis. Mr. Reid (on Cat. M. § 3) decides in favour of the spelling *Cius* rather than *Ceus* (cp. note on *Democritii*, i. 10. 42):

protulisse. Dicunt enim, cum cenaret Crannone in Thessalia 352
Simonides apud Scopam fortunatum hominem et nobilem cecinissetque id carmen, quod in eum scripsisset, in quo multa ornandi causa poëtarum more in Castorem scripta et Pollucem fuissent, nimis illum sordide Simonidi dixisse se dimidium eius ei, quod pactus esset, pro illo carmine daturum; reliquum a suis Tyndaridis, quos aeque laudasset, peteret, si ei videretur. Paulo post 353
esse ferunt nuntiatum Simonidi, ut prodiret; iuvenis stare ad ianuam duo quosdam, qui eum magno opere evocarent; surrexisse illum, prodisse, vidisse neminem: hoc interim spatio conclave illud, ubi epularetur Scopas, concidisse; ea ruina ipsum cum cognatis suis oppressum interisse: quos cum humare vellent sui neque possent obtritos internoscere ullo modo, Simonides dicitur ex eo, quod meminisset quo eorum loco quisque cubuisset, demonstrator unius cuiusque sepeliendi fuisse; hac tum re admoni-

12. *suis* incl. K. *oppressum suis* AbγZ.

here all the MSS. by an extremely common error give *Chio:* cp. Lachmann on Lucret. iv. 1130, and J. B. Mayor on de Nat. D. i. 42. 118. There is a play upon the two words in Aristoph. Ran. 970 *πέπτωκεν ἔξω τῶν κακῶν, οὐ Χῖος, ἀλλὰ Κεῖος.*

1. **Crannone** (from *κράννα*, the Aeolic form of *κρήνη*: Curt. Gr. Et. i. 175: there is authority also both in MSS. and in inscriptions for the form *Cranon*, though here only the inferior MSS. give it) about nine miles S. W. of Larisa, the residence of the noble Thessalian family of the Scopadae: cp. Theocr. xvi. 36 ff. *πολλοὶ δὲ Σκοπάδαισιν ἐλαυνόμενοι ποτὶ σακὸν | μόσχοι σὺν κεραῇσιν ἐμυκήσαντο βόεσσι. | μυρία δ' ἀμπεδίον Κραννώνιον ἐνδιάασκον | ποιμένες ἔκκριτα μᾶλα φιλοξείνοισι Κρεώνδαις.* For the Scopadae (omitted in the Dict. Biog.) cp. Thirlwall, i. p. 497. The uncertainty of the whole tradition is shown by Quintil. xi. 2. 14 'Est autem magna inter auctores dissensio, Glaucone Carystio an Leocrati an Agatharcho an Scopae scriptum sit id carmen, et Pharsali fuerit haec domus, ut ipse quodam loco significare Simonides videtur atque Apollodorus et Eratosthenes et Euphorion et Larisaeus Eurypylus tradiderunt, an Crannone, ut Apollas Callimachus, quem secutus Cicero hanc famam latius fudit. Scopam nobilem Thessalum perisse in eo convivio constat; adicitur sororis eius filius; putant et ortos plerosque ab alio Scopa, qui maior aetate fuerit.'

5. **eius ei**: when *eius* is used in close connexion with some other case of *is* (whether referring to the same substantive, or to different ones, as here), the genitive usually stands first: cp. Tusc. D. i. 11. 24 'evolve diligenter eius eum librum, qui est de animo,' with Kühner's note.

6. **suis**, 'his own favourite' (Dräger, i. 56), the reflexive referring now to Simonides, as the subject of *peteret*: *ei* returns to the more normal construction. Note that *Tyndaridae*, very commonly used by Cicero for Castor and Pollux, comes from the by-form *Tyndarus*, not from the more usual *Tyndareus*.

9. **magno opere**, 'earnestly:' the form *magnopere* is not so well authenticated for Cicero as *magno opere*, as Ellendt has shown in i. 35. 164 (not. crit.).

surrexisse, etc. The asyndeton contributes much to the vigour and rapidity of the narrative.

10. **conclave** is used for a dining-room also in Phil. ii. 28. 69 'huius in sedibus . . . pro conclavibus popinae sunt,' and in Verr. iv. 26. 58: it is perhaps more common as a 'bed-chamber.'

11. **ruina**, 'downfall:' the plural, as in Hor. Od. iii. 3. 8 'impavidum ferient ruinae,' is not used in good prose.

12. **sui**, 'their relatives,' § 199: for the reflexive referring to the virtual subject cp. Dräger, i. 52: Roby, § 2265.

14. **quo eorum loco quisque**, according to Cicero's practice for 'quo loco quisque eorum,' in order to bring together the pronouns.

15. **sepeliendi**, 'for burial.'

tus invenisse fertur ordinem esse maxime, qui memoriae lumen
354 adferret. Itaque eis, qui hanc partem ingenii exercerent, locos
esse capiendos et ea, quae memoria tenere vellent effingenda
animo atque in eis locis conlocanda; sic fore, ut ordinem rerum
locorum ordo conservaret, res autem ipsas rerum effigies notaret
87 atque ut locis pro cera, simulacris pro litteris uteremur. Qui sit
355 autem oratori memoriae fructus, quanta utilitas, quanta vis, quid
me attinet dicere? Tenere, quae didiceris in accipienda causa,
quae ipse cogitaris? omnis fixas esse in animo sententias? omnem descriptum verborum apparatum? ita audire vel eum,
unde discas, vel eum, cui respondendum sit, ut illi non infundere
in auris tuas orationem, sed in animo videantur inscribere? Itaque
soli qui memoria vigent, sciunt quid et quatenus et quo modo
dicturi sint, quid responderint, quid supersit: eidemque multa ex
aliis causis aliquando a se acta, multa ab aliis audita meminerunt.
356 Qua re confiteor equidem huius boni naturam esse principem,
sicut earum rerum, de quibus ante locutus sum, omnium; sed
haec ars tota dicendi, sive artis imago quaedam et similitudo est,
habet hanc vim, non ut totum aliquid, cuius in ingeniis nostris
pars nulla sit, pariat et procreet, verum ut ea, quae sunt orta iam
357 in nobis et procreata, educet atque confirmet; verum tamen

2. **locos**, not in the technical sense, but 'places;' in order to remember things, it is necessary to assign to the concrete image by which they are represented to the mind some definite local position. This is worked out at much greater length in ad Her. iii. §§ 30–32, a passage which is well worth reading.

3. **esse capiendos**: the acc. and inf. depend on *invenisse* which is carried on.

5. **notaret**: cp. § 236.

6. **locis pro cera**: cp. ad Her. iii. 17. 30 'quem ad modum igitur qui litteras sciunt, possunt id quod dictatum est, scribere et recitare, quod scripserunt, item qui mnemonica didicerunt, possunt quod audierunt in locis collocare, et ex his memoriter pronuntiare. Loci cerae aut chartae simillimi sunt, imagines litteris, dispositio et collocatio imaginum scripturae, pronuntiatio lectioni.' Part. Or. 7. 26 '(memoria) est gemina litteraturae quodam modo, et in dissimili genere persimilis; nam ut illa constat ex notis litterarum et ex eo, in quo imprimuntur illae notae, sic confectio memoriae tamquam cera locis utitur et in his imagines ut litteras collocat.'

7. **fructus**, 'advantage,' not as in § 22.

8. **accipienda**, § 114.

9. **cogitaris**: cp. i. 5. 18.

10. **descriptum**, 'arranged:' cp. i. 43. 193.

11. **unde discas**, i.e. your client: cp. § 102.

14. **quid responderint**, 'what replies they have already made:' virtually, but not in syntax, equivalent to 'what points (of the opponent) they have already answered.' The reading of the inferior MSS. 'cui responderint' is probably only a careless reminiscence of 'cui respondendum sit:' it is hardly possible to take *cui* as neuter, and if it be masculine, it ruins the sense.

16. **principem**, 'chief source,' not unlike pro Cluent. 22. 60 'princeps sceleris.'

17. **sed haec ars ... confirmat**, parenthetical; 'confiteor equidem' being answered by 'verum tamen.'

18. **sive artis imago ... est** = 'vel artis imago, si ea potius est.' Cp. i. 23. 109: Kühner, ii. 954, note 4 and 6.

21. **educet**, § 124 (note).

neque tam acri memoria fere quisquam est, ut, non dispositis notatisque rebus, ordinem verborum aut sententiarum complectatur, neque vero tam hebeti, ut nihil hac consuetudine et exercitatione adiuvetur. Vidit enim hoc prudenter sive Simonides sive alius quis invenit, ea maxime animis adfigi nostris, quae essent a sensu tradita atque impressa; acerrimum autem ex omnibus nostris sensibus esse sensum videndi; qua re facillime animo teneri posse ea, quae perciperentur auribus aut cogitatione, si etiam commendatione oculorum animis traderentur; ut res caecas et ab aspectus iudicio remotas conformatio quaedam et imago et figura ita notaret, ut ea, quae cogitando complecti vix possemus, intuendo quasi teneremus. His autem formis atque corporibus, 358 sicut omnibus, quae sub aspectum veniunt, [admonetur memoria nostra atque excitatur;] sede opus est, etenim corpus intellegi sine loco non potest. Qua re ne in re nota et pervolgata multus et insolens sim, locis est utendum multis, inlustribus, explicatis, modicis intervallis; imaginibus autem agentibus, acribus, insignitis,

13. *admonetur . . . excitatur* om. AbγZ incl. KS. 14. *sede* K cum codd. ii. *sedes* cum codd. plerisque. *sed locis opus est* P.

5. **adfigi,** 'implanted in,' often so used by Quintilian (e.g. xi. 2. 18 and 44), but apparently only here by Cicero. (Many MSS. (including Z) have *effingi*). Cp. iii. 40. 160 and Hor. A. P. 180 'segnius irritant animos demissa per aurem quam quae sunt oculis subiecta fidelibus et quae ipse sibi tradit spectator.' Plat. Phaedr. 250 D ὄψις γὰρ ἡμῖν ὀξυτάτη τῶν διὰ τοῦ σώματος ἔρχεται αἰσθήσεων, translated by Cic. de Fin. ii. 16. 52.

9. **commendatione,** 'agency,' i.e. mediation.

ut='so that.'

caecas, passive, 'unseen:' Hor. Od. ii. 13. 16 'neque ultra caeca timetve aliunde fata.'

10. **conformatio,** 'embodiment,' further defined by *imago* and *figura*, the former of which seems to denote rather a *picture*, the latter a *model* or form.

13. [**admonetur . . . excitatur**]: it can hardly be doubted that the older MSS. [including the Oxford codex Z] have here preserved the true reading: I cannot accept Ell.'s judgment 'est hic locus manifesto in illis, qui ex antiquo aliquo codice suppleti leguntur in libris recentioribus.'

15. **multus,** § 17.

16. **insolens,** 'immoderate:' cp. Reid on de Sen. 10. 31: *insolens* is almost the equivalent of *ineptus*, and has no harsher meaning than 'odd,' 'strange,' 'in bad taste:' here it means 'dwelling at unseemly length upon.'

illustribus, § 323.

explicatis, 'clearly set forth,' so as to run no risk of being confused one with another.

17. **modicis intervallis,** abl. qual. defining *locis*, not (as Sorof) governed by *utendum*: cp. ad Her. iii. 19. 32 'intervalla locorum mediocria placet esse, fere paulo plus aut minus pedum trinum.' The whole of this mnemonic system is very obscure; but it is evident from the rules given in ad Her. l.c. that the *loci* were to be selected in some place familiar to the speaker, e.g. in the Forum, in his own house, or along a well-known road. Cp. Quintil. xi. 2.

agentibus, 'in action:' not, I think, as Ell. followed by Pid. and Sorof, 'expressive,' 'vivid;' cp. ad Her. iii. 23. 37 'si non mutas nec vagas, sed aliquid agentes imagines ponemus.'

acribus, 'clear,' with the outlines distinctly marked.

insignitis, 'distinctive,' § 349.

quae occurrere celeriterque percutere animum possint; quam facultatem et exercitatio dabit, ex qua consuetudo gignitur, et similium verborum conversa et immutata casibus aut traducta ex parte ad genus notatio et unius verbi imagine totius sententiae informatio pictoris cuiusdam summi ratione et modo formarum varietate locos
88 distinguentis. Sed verborum memoria, quae minus est nobis
359 necessaria, maiore imaginum varietate distinguitur; multa enim sunt verba, quae quasi articuli conectunt membra orationis, quae formari similitudine nulla possunt; eorum fingendae sunt nobis imagines, quibus semper utamur; rerum memoria propria est

1. **quam facultatem,** 'the power to produce these:' cp. 'hanc similitudinem,' § 53. For the 'rerum similitudines, cum summatim ipsorum negotiorum imagines comparamus,' the writer ad Herennium (iii. 20. 33) gives as an example a case where a man is accused by many witnesses of poisoning, for the sake of an inheritance: then, he says, we must keep before our minds the picture of a sick man lying in bed, and at his side the accused, holding in his left hand a cup, in his right tablets (on which the will was inscribed), and having *testiculos arietinos* (i.e. a purse made from the skin covering these) hanging *medico* [*digito*], i.e. from the third finger: 'hoc modo et testium et hereditatis et veneno necati memoriam habere poterimus.'

2. **similium verborum,** etc. 'And the formation of similar words by a change and inflexion in respect of the cases, or by transferring the meaning from the species to the genus, and the representation of a whole thought by the image of a single word, after the method and fashion of an eminent painter who distinguishes the positions of objects by the alteration in their shapes.' In the first clause of this somewhat obscure sentence we have a kind of hypallage, it being the *verba* which are *conversa* and *immutata* rather than the *notatio.* Then again *notatio* is used in two slightly varying senses, in the first clause having the force of 'formation,' in the latter rather that of 'deviation.' Sometimes the memory can be assisted by forming words but slightly changed from those denoting the thing to be remembered, e.g. a month (*mensis*) may be recalled to mind by tables (*mensis*), or by denoting some member of a class by a species, as weapons generally by a sword, or by putting some concrete figure to call up an event or a thought, as an anchor for a sea-fight. Cp. Quintil. xi. 2. 18. Then as the painter represents the effects of perspective by varying the shape and size of his figures, the orator must determine the position and succession of his various ideas by the form which he gives to the images which are to recall them.

6. **minus necessaria,** in accordance with Cato's rule 'rem tene, verba sequentur.'

7. **distinguitur,** 'is awakened distinctly.'

8. **articuli,** 'particles,' not 'clauses,' as in iii. 48. 186.

10. **quibus semper utamur,** i.e. of a purely conventional, and therefore unchanging character. The artificial and clumsy character of verbal mnemonics is shown by the illustrations in ad Her. iii. 21. 34 '"iam domuitionem reges Atridae parant:" in uno loco [oportebit] constituere manus ad caelum tollentem Domitium, cum a Regibus Marciis loris caedatur: hoc erit "iam domuitionem reges;" in altero loco Aesopum et Cimbrum subornari ut ad Iphigeniam . . . hoc erit "Atridae parant."' Quintilian well remarks (xi. 2. 24) 'at verborum contextus eadem arte quo modo comprehendetur? mitto quod quaedam nullis simulacris significari possunt, ut certo coniunctiones; habeamus enim sane, ut qui notis scribunt, certas imagines omnium et loca scilicet infinita, per quae verba, quot sunt in quinque contra Verrem secundae actionis libris, explicentur, meminerimus etiam omnium quasi depositorum: nonne impediri quoque dicendi cursum necesse est duplici memoriae cura? Nam quo modo poterunt copulata fluere, si propter singula verba ad singulas formas respiciendum erit? Quare et Charmadas et Scepsius, de quo modo dixi, Metrodorus, quos Cicero dicit usos hac exercitatione, sibi habeant sua: nos simpliciora tradamus.'

oratoris; eam singulis personis bene positis notare possumus, ut
sententias imaginibus, ordinem locis comprehendamus. Neque 360
verum est, quod ab inertibus dicitur, opprimi memoriam imaginum
pondere et obscurari etiam id, quod per se natura tenere potuisset:
vidi enim ego summos homines et divina prope memoria, Athenis
Charmadam, in Asia, quem vivere hodie aiunt, Scepsium Metrodorum,
quorum uterque tamquam litteris in cera, sic se aiebat
imaginibus in eis locis, quos haberet, quae meminisse vellet, perscribere.
Qua re hac exercitatione non eruenda memoria est,
si est nulla naturalis; sed certe, si latet, evocanda est.

Habetis sermonem bene longum hominis, utinam non impu- 361
dentis! illud quidem certe, non nimis verecundi; qui quidem,
cum te, Catule, tum etiam L. Crasso audiente, de dicendi ratione
tam multa dixerim; nam istorum aetas minus me fortasse movere
debuit. Sed mihi ignoscetis profecto, si modo, quae causa me ad
hanc insolitam mihi loquacitatem impulerit, acceperitis.' 'Nos **89**
vero,' inquit Catulus 'etenim pro me hoc et pro meo fratre 362
spondeo, non modo tibi ignoscimus, sed te diligimus magnamque
tibi habemus gratiam; et cum humanitatem et facilitatem
agnoscimus tuam, tum admiramur istam scientiam et copiam.
Equidem etiam hoc me adsecutum puto, quod magno sum levatus
errore et illa admiratione liberatus, quod multis cum aliis semper
admirari solebam, unde esset illa tanta tua in causis divinitas;

18. *spondeo* K cum codd. *respondeo* S.

1. **personis**, etc. 'If we arrange skilfully the several representative figures:' the mnemonic images are compared to the masks in the theatre, behind which were the facts or thoughts which they represented.

notare, 'impress upon our minds,' as in ad Her. iii. 20. 33 'unius cuiusque nominis et vocabuli memoria imagine notatur.'

5. **vidi**: cp. Introd. p. 13. For Charmadas and Metrodorus cp. i. 11. 45, and Tusc. D. i. 24. 59 'non quaero quanta memoria Simonides fuisse dicatur; quanta Theodectes; [of whom Quint. l.c. says that he could repeat any number of verses, once read to him]: quanta is, qui a Pyrrho legatus ad senatum est missus, Cineas, quanta nuper Charmadas: quanta qui modo fuit, Scepsius Metrodorus, quanta noster Hortensius' [Brut. 88. 301].

§§ **361–367**. *The conversation of the second book is brought to a close by some compliments on the part of Catulus, and a general request to Crassus that he will proceed to discourse on the ornaments of style, which he promises to do in the afternoon of the same day.*

11. **utinam non impudentis**, 'whom I hope you will not consider shameless.'

12. **certe**, sc. you must think me.

14. **istorum aetas**, 'young men, like our friends here:' *aetas* varies in its meaning with the context. Cp. Hor. Ep. i. 1. 3 'non eademst aetas' with § 131, above.

18. **diligimus**, 'we esteem you very highly' for your kindness. In this sense of being obliged, *amare* is much more commonly used.

22. **admiratione**, § 58.

quod . . admirari, a not uncommon pleonasm after *admiratione*, to avoid constructing a dependent sentence after a substantive: cp. Tusc. D. i. 22. 52 'nimirum hanc habet vim praeceptum Apollinis, quo monet ut se quisque noscat.'

23. **divinitas**, §§ 179, 298.

nec enim te ista attigisse arbitrabar, quae diligentissime cognosse et undique conlegisse usuque doctum partim correxisse video,
363 partim comprobasse; neque eo minus eloquentiam tuam et multo magis virtutem et diligentiam admiror et simul gaudeo iudicium animi mei comprobari, quod semper statui neminem sapientiae laudem et eloquentiae sine summo studio et labore et doctrina consequi posse. Sed tamen quidnam est quod dixisti fore, ut tibi ignosceremus, si cognossemus, quae te causa in sermonem impulisset? quae est enim alia causa, nisi quod nobis et horum adulescentium studio, qui te attentissime audierunt,
364 morem gerere voluisti?' Tum ille 'adimere' inquit 'omnem recusationem Crasso volui, quem ego paulo ante sciebam vel pudentius vel invitius, nolo enim dicere de tam suavi homine fastidiosius, ad hoc genus sermonis accedere. Quid enim poterit dicere? consularem se esse hominem et censorium? eadem nostra causa est. An aetatem adferet? quadriennio minor est. An se haec nescire? quae ego sero, quae cursim adripui, quae subsicivis operis, ut aiunt, iste a puero, summo studio, summis doctoribus. Nihil dicam de ingenio, cui par nemo fuit: etenim me dicentem qui audiret, nemo umquam tam sui despiciens fuit quin speraret aut melius aut eodem modo se posse dicere; Crasso dicente nemo tam adrogans, qui similiter se umquam dicturum esse confideret. Quam ob rem ne frustra hi tales viri venerint, te aliquando, Crasse, audiamus.'

90 Tum ille 'ut ita esse concedam,' inquit 'Antoni, quae sunt
365 longe secus, quid mihi tandem hodie aut cuiquam homini quod dici possit reliquisti? dicam enim vere, amicissimi homines, quod sentio: saepe ego doctos homines, quid dico saepe? immo non numquam; saepe enim qui potui, qui puer in forum venerim neque inde umquam diutius quam quaestor afuerim? sed tamen audivi, ut heri dicebam, et Athenis cum essem, doctissimos viros et in

1. **attigisse**: i. 18. 82.
4. **virtutem**, 'energy.'
5. **iudicium animi mei**, 'my profound conviction.'
semper statui: Catulus here, as Crassus repeatedly in Book I, expresses Cicero's own view: i. 2. 5; 5. 16; 6. 20; 28. 128; 34. 158 ff., and above, § 5.
7. **quidnam est id quod dixisti**, 'what did you mean by saying.'
11. **morem gerere**: i. 23. 105.
13. **pudentius**: i. 21. 97.
18. **subsicivis operis**, 'by the employment of my leisure-hours:' *subsicivum* meant literally a bit of land left over and above in the measuring of the *agrimensores*, hence 'odds and ends.'
iste, sc. didicit, supplied by a zeugma from 'adripui.'
24. **aliquando**, 'at last;' often in this sense coupled with *tandem*.
29. **in forum venerim**: cp. i. 17. 78.
30. **quaestor**: Introd. p. 10.
31. **heri**: i. 11. 45.

Asia istum ipsum Scepsium Metrodorum, cum de his ipsis rebus disputaret; neque vero mihi quisquam copiosius umquam visus est neque subtilius in hoc genere dicendi quam iste hodie esse versatus: quod si esset aliter et aliquid intellegerem ab Antonio praetermissum, non essem tam inurbanus et paene inhumanus, uti in eo gravarer, quod vos cupere sentirem.' Tum Sulpicius 366 'an ergo' inquit 'oblitus es, Crasse, Antonium ita partitum esse tecum, ut ipse instrumentum oratoris exponeret, tibi eius distinctionem atque ornatum relinqueret?' Hic ille 'primum quis Antonio permisit,' inquit 'ut et partis faceret et utram vellet prior ipse sumeret? deinde, ego si recte intellexi, cum valde libenter audirem, mihi coniuncte est visus de utraque re dicere.' 'Ille vero' inquit Cotta 'ornamenta orationis non attigit neque eam laudem, ex qua eloquentia nomen suum invenit.' 'Verba igitur' inquit Crassus 'mihi reliquit Antonius, rem ipse sumpsit.' Tum Caesar 'si, quod difficilius est, id tibi reliquit, est nobis' 367 inquit 'causa, cur te audire cupiamus; sin, quod facilius, tibi causa non est, cur recuses.' Et Catulus 'quid, quod dixisti,' inquit 'Crasse, si hodie apud te maneremus, te morem nobis esse gesturum, nihilne ad fidem tuam putas pertinere?' Tum Cotta ridens 'possem tibi,' inquit 'Crasse, concedere: sed vide ne quid Catulus attulerit religionis: hoc opus censorium est, id autem committere vides quam homini censorio conveniat.' 'Agite vero' ille inquit 'ut voltis. Sed nunc quidem, quoniam est id temporis, surgendum censeo et requiescendum; post meridiem, si ita vobis est commodum, loquemur aliquid, nisi forte in crastinum differre mavoltis.' Omnes se vel statim vel si ipse post meridiem mallet, quam primum tamen audire velle dixerunt.

10. *partis* K. *mei partis* AbZLg. 2, 4. *meas partis* BLg 13, 32, 36. 'an *mei sermonis partis*' K. 14. *suum* K cum AbγZ: *ipsum* PS.

7. **ita partitum esse**: § 123.

8. **instrumentum**, 'stock-in-trade.'

12. **coniuncte**, e.g. incidentally in § 312.

14. **eam laudem**, sc. elocutio.

18. **quod dixisti**, § 27.

22. **opus censorium**, 'a matter with which the censor has to deal,' i.e. a violation of a compact. Gell. xiv. 12 'si quis agrum suum passus fuerat sordescere eumque indiligenter curabat, neque araverat, neque purgaverat . . non id sine poena fuit, sed erat opus censorium, censoresque aerarium faciebant.'

24. **quoniam est id temporis**: cp. i. 62. 265.

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